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Washington, Saturday, June 13, 1942

The President

GENERALIZATION OF TRADE AGREEMENT  
DUTIES AND OTHER IMPORT RESTRICTIONS

Correction

The letter from The President to the Secretary of the Treasury on page 4363 of the issue for Wednesday, June 10, 1942, should have appeared under the above title.

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment  
Agency

[Wheat 43-3]

PART 728—WHEAT<sup>1</sup>

1943 STATE ACREAGE ALLOTMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 301 (c) and 334 (a) of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43, 53; 7 U.S.C. 1940 ed. 1301 (c), 1334 (a)), the national wheat acreage allotment for 1943 is hereby apportioned among the several States as follows:

§ 728.402 1943 State wheat acreage allotments.

States and Allotments in Acres

Alabama, 5,246; Arizona, 32,250; Arkansas, 49,484; California, 687,256; Colorado, 1,301,208; Connecticut, —; Delaware, 63,818; Florida, —; Georgia, 146,327; Idaho, 874,061; Illinois, 1,678,230; Indiana, 1,412,326; Iowa, 349,093; Kansas, 11,234,052; Kentucky, 365,922; Louisiana, 530; Maine, 3,396; Maryland, 341,164; Massachusetts, —; Michigan, 667,303; Minnesota, 1,438,871; Mississippi, 3,698; Missouri, 1,654,636; Montana, 3,353,215; Nebraska, 3,097,156; Nevada, 13,408; New Hampshire, —; New Jersey, 52,100; New

<sup>1</sup> Subpart E-1943.

Mexico, 316,225; New York, 221,673; North Carolina, 378,128; North Dakota, 8,091,432; Ohio, 1,643,014; Oklahoma, 3,934,565; Oregon, 783,010; Pennsylvania, 761,780; Rhode Island, —; South Carolina, 152,287; South Dakota, 2,903,221; Tennessee, 335,527; Texas, 3,727,966; Utah, 213,753; Vermont, 100; Virginia, 472,635; Washington, 1,767,030; West Virginia, 116,328; Wisconsin, 83,622; and Wyoming, 272,954. Total, 55,000,000.

Done at Washington, D. C., this 12th day of June, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 42-5513; Filed, June 12, 1942; 11:28 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 227]

RESTRICTION OF FLIGHT ON GREEN AIRWAY  
NO. 3 IN THE VICINITY OF WENDOVER  
RANGE STATION

It appearing that: (a) There exists a serious condition of traffic congestion within the navigable air space designated as Green Civil Airway No. 3, between the fan marker at Beacon No. 59, approximately 36 miles west of Salt Lake City, and the Wendover Range Station, approximately 4 miles south of Wendover, Utah;

(b) The Administrator of Civil Aeronautics has reduced the width of the civil airway above specified, so as to include only the navigable air space above that area on the surface of the earth lying within 5 miles of the center line prescribed for such airway;

The Board finds that: Its action is desirable in the public interest and necessary to the successful prosecution of the war;

Now therefore, the Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections

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205 and 601 of said Act, makes and promulgates the following special regulation, effective immediately:

Notwithstanding the provisions of the Civil Air Regulations to the contrary, aircraft, other than aircraft of the armed forces, shall not be operated at an altitude below 3,500 feet above the ground, or above 14,000 feet above sea level, exclusive of take-off from or landing upon an airport or other landing area, over Green Civil Airway No. 3, between the fan marker at Beacon No. 59, approximately 36 miles west of Salt Lake City, and the Wendover Range Station, approximately 4 miles south of Wendover, Utah.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 42-5509; Filed, June 12, 1942; 11:16 a. m.]

#### TITLE 25—INDIANS

##### Chapter I—Office of Indian Affairs

##### PART 276—LICENSED INDIAN TRADERS

Section 276.5<sup>1</sup> of said Title, Chapter, Subchapter and Part is amended to read as follows:

§ 276.5 *Government employees not to trade with Indians except in certain cases.* \* \* \*

(b) *United States employees, Indian blood.* Indian employees of the United States Government, of whatever degree of Indian blood, may be members in the same manner as other Indian members of the tribe not so employed and receive benefits by reason of their membership in such tribes, in corporation or cooperative associations, organized by and operated

<sup>1</sup> 4 F.R. 4670.

for Indians. Such Indian government employees may engage in all lawful transactions with Indians, Indian tribes and such corporations or cooperative associations. None of the transactions authorized herein may be entered into by such employees for the purpose of engaging directly or indirectly in the selling, releasing, trading, bartering or passing on in any other way for profit the objects, rights, services or property thus acquired. Nothing herein shall prevent in proper cases the disposition of any such property when such transaction cannot be considered as actually engaging in any of the businesses herein prohibited. All transactions authorized herein to be valid must be approved by the Secretary of the Interior.

(c) *Leases or sales restricted Indian land.* Leases or sales of trust or restricted Indian land to or from Indian employees of the United States Government must be made on sealed bids unless the Commissioner of Indian Affairs waives this requirement on the basis of a full report showing (1) the need for the transaction, (2) the benefits accruing to both parties, and (3) that public bids are not feasible and could not be expected to bring a higher price than the proposed private transaction. An affidavit as follows shall accompany each proposed land transaction:

I, \_\_\_\_\_, \_\_\_\_\_,  
(Name) (Title)  
swear (or affirm) that I have not exercised any undue influence nor used any special knowledge received by reason of my office in obtaining the (grantor's, purchaser's, vendor's) consent to the instant transaction.

(Section 5, 19 Stat. 200, 31 Stat. 1066, Sec. 10, 32 Stat. 1009; 25 U.S.C. 261, 262, 53 Stat. 840, 25 U.S.C., Sup. 68a, 87a, 441.)

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.  
MAY 29, 1942.

[F. R. Doc. 42-5492; Filed, June 12, 1942; 10:21 a. m.]

#### TITLE 30—MINERAL RESOURCES

##### Chapter III—Bituminous Coal Division

[Docket No. A-1370]

##### PART 323—MINIMUM PRICE SCHEDULE DISTRICT No. 3

##### CONSOLIDATED COAL CO. AND REX HENDERSON

Findings of fact, conclusions of law, memorandum opinion and order in the matter of the petition of the Bituminous Coal Producers Board for District No. 3 for the establishment of certain price classifications and minimum prices and for revision of certain price classifications and minimum prices for the coals of Mine Index Nos. 287 and 385.

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division on March 20, 1942, by the Bituminous Coal Producers Board for District No. 3 (hereinafter referred to as "District Board 3"), pursuant to



section 4 II (d) of the Bituminous Coal Act of 1937. Petitioner seeks the establishment of certain price classifications and minimum prices, and the revision of price classifications and minimum prices now effective, for the coals of Mine Index Nos. 287 and 385.

The petition requested temporary relief. On April 4, 1942, 7 F.R. 2652, an order was entered by the Acting Director granting temporary relief to the following extent: The Schedule of Effective Minimum Prices for District No. 3 For All Shipments Except Truck was supplemented to include Price Classification "B" in Size Groups 11-16, inclusive, for the coals of Mine Index Nos. 287 and 385.

After due notice to interested persons, a hearing in this matter was held on April 28, 1942, before D. C. McCurtain, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. The petitioner appeared, and the only witness who testified did so in its behalf.

The preparation and filing of a report by the Examiner was waived, and the matter was thereupon submitted to the undersigned.

This proceeding involves consideration of proper price classifications and minimum prices for coals from the Pittsburgh Seam in District No. 3 of the Hen-

derson Mine, Mine Index No. 287, operated by Rex Henderson, and at the Consol No. 22-A Mine, Mine Index No. 385, a strip mine, operated by the Consolidated Coal Company. Price classifications and minimum prices presently effective for these mines were originally recommended by District Board No. 3 on the assumption, justified by data available at the time, that coals from these mines possessed a high-sulphur content. However, drill hole tests made at the Henderson and Consol No. 22-A Mines by the Consolidated Coal Company since the establishment of the presently effective price classifications and minimum prices for coals at these mines indicate that such coals possess a low-sulphur content—that is, below 1.35 percent. Coal has not been shipped from these mines for commercial use; hence, it was said, no proximate analyses have been made. D. T. Buckley, Chairman of District Board No. 3, testified however, that it was "reasonably sure" that evaluation in terms of sulphur content of any coal in the Pittsburgh Seam on the basis of drill hole tests was bound to be substantiated by any proximate analyses that might later be undertaken.

Because of the results of the drill hole tests, District Board No. 3 asks that Price Classification "B" be established for coals produced at the mines here involved in Size Groups 11 through 16 (size groups for reflow, water gas and by-product use).

Witness Buckley testified that, if such a price classification is not established for these mines, they cannot compete for the by-product market with other mines in District No. 3 producing coal of comparable low-sulphur content. Similarly, in order to afford these mines a fair opportunity to compete with other mines in District No. 3 producing coals of comparable low-sulphur content, District Board No. 3 asks that price classifications signifying low-sulphur content in other size groups—"DE" in Size Groups 1-6, inclusive, and "DF" in Size Groups 7-10, inclusive—be substituted for the present "F" classification now effective for coals in such size groups produced at the two mines here involved.

No objection has been registered to granting the relief prayed for. On the basis of the uncontroverted evidence, I find that the establishment of a "B" price classification for coals in Size Groups 11-16, inclusive, produced at the Henderson and Consol No. 22-A Mines, and the revision of the price classifications and minimum prices for such coals in Size Groups 1-10, inclusive, as recommended by District Board No. 3, will serve to reflect more accurately the relative market values of such coals and to further intra-district coordination in District No. 3. Hence, the relief prayed for will effectuate the purposes of subsections (a) and (b) of section 4 II of the Act.

It is, therefore, ordered, That § 323.6 (Alphabetical list of code members) in the Schedule of Effective Minimum Prices for District No. 3 For All Shipments Except Truck be, and it hereby is, amended as follows:

1. By making permanent, effective forthwith, the temporary relief establishing price classification "B" in Size Groups 11-16, inclusive, for the coals produced at the Henderson Mine, Mine Index No. 287, and the Consol No. 22-A Mine, Mine Index No. 385, for all shipments except truck, as set forth in Supplement R annexed hereto and made a part hereof, and by assigning the corresponding minimum prices to such coals;

2. By the revision, effective forthwith, of the price classifications for the coals of the Henderson Mine, Mine Index No. 287, and the Consol No. 22-A Mine, Mine Index No. 385, from Price Classification "F" in Size Groups 1-10, inclusive, to Price Classification "DE" in Size Groups 1-6, inclusive, and to Price Classification "DF" in Size Groups 7-10, inclusive, for all shipments except truck, as set forth in Supplement R annexed hereto and made a part hereof, and by assigning the correspondent minimum prices to such coals.

Dated: June 4, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

#### FOR ALL SHIPMENTS EXCEPT TRUCK

#### § 323.6 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

| Mine<br>index<br>No. | Code member               | Mine name                  | Seam       | Shipping point   | RailRoad | Freight<br>origin<br>group<br>No. | Size group Nos. |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |   |
|----------------------|---------------------------|----------------------------|------------|------------------|----------|-----------------------------------|-----------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|
|                      |                           |                            |            |                  |          |                                   | 1               | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 | 16 |   |
| 385                  | Consolidated Coal Company | Consol #22 - A<br>(Strip). | Pittsburgh | Monongah, W. Va. | B&O      | 61                                | DE              | DE | DE | DE | DE | DE | DE | DE | DE | DF | DF | B  | B  | B  | B  | B  | B |
| 287                  | Henderson, Rex            | Henderson                  | Pittsburgh | Everson, W. Va.  | B&O      | 61                                | DE              | DE | DE | DE | DE | DE | DE | DE | DE | DF | DF | B  | B  | B  | B  | B  | B |

[F. R. Doc. 42-5476; Filed, June 11, 1942; 11:39 a. m.]



PART 324—MINIMUM PRICE SCHEDULE,  
DISTRICT No. 4  
[Docket No. A-119]

AMENDMENT OF PRIOR ORDER

Order amending order of April 19, 1941 in the matter of the petition of District Board 4 pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, for the establishment of price classifications and minimum prices for the coals of certain mines not heretofore classified and priced.

On April 19, 1941, 6 F.R. 2142, an Order having been issued granting permanent relief, by establishing, among other matters, as the final effective price classifications and minimum prices for the coals of the Harry J. Iles Mine, Mine Index No. 784, and the Iles Mine, Mine Index No. 2376, of Harry J. Iles, those set forth in Temporary Supplement No. 3 to the Schedule of Effective Minimum Prices for District No. 4 For All Shipments Except Truck, annexed to and made a part of the Order of October 19, 1940, 5 F.R. 4244, in the above-entitled matter.

It appearing that in § 324.7 (*Alphabetical list of code members*) of the said Temporary Supplement, the said mines are shown as located in Subdistrict No. 5 (Hocking) and are assigned to Freight Origin Group No. 21, and that in § 324.2 (*Seasonal discounts*) and § 324.10 (*General prices*) in the said Temporary Supplement the said mines are shown as located in Subdistrict No. 6 (Crooksville) and are assigned to Freight Origin Group Nos. 31 and 32; and it further appearing that the said mines are, in fact, located in Subdistrict No. 5 and should be assigned solely to Freight Origin Group No. 21.

Now, therefore, it is ordered, That the Order of April 19, 1941, be, and it hereby is, amended by deleting in Supplement A, § 324.2 (*Seasonal discounts*), and Supplement C, § 324.10 (*General prices*), the assignment of Subdistrict No. 6 and Freight Origin Group Nos. 31 and 32 to the said Mine Index Nos. 784 and 2376 and in lieu thereof assigning Subdistrict No. 5 (Hocking) and Freight Origin Group No. 21 to the said mines.

Dated: June 11, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-5503; Filed, June 12, 1942; 11:14 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Order No. 41]

EASTERN STATE HOSPITAL PROJECT

DESIGNATION FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of Section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Eastern State Hospital Project to be work of national im-

portance, to be known as Civilian Public Service Camp No. 41. Said project, located at Williamsburg, James City and York Counties, Virginia, will be the base of operations for work at the Eastern State Hospital, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

Men assigned to said Eastern State Hospital Project will be engaged in clerical work, as attendants, waiters, farm hands, etc., and shall be under the direction of the Director of State Hospitals of the State of Virginia, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Virginia State Hospitals. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,  
Director.

JUNE 10, 1942.

[F. R. Doc. 42-5518; Filed, June 12, 1942; 11:44 a. m.]

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Amendment No. 6 to Supplementary Order No. M-15-b-1]

RESTRICTION OF THE USE AND SALE OF RUBBER

Section 940.5, *Supplementary Order M-15-b-1*,<sup>1</sup> is hereby amended as follows:

1. By striking out Items (11) and (12) under the heading "Passenger Friction" in subdivision (b) of List 7 attached thereto and substituting the following:

| PASSENGER FRICTION   |    | Compounds to be used |       |
|--|----|----------------------|-------|
| Description of product   |    | Pas-senger Friction  | Tread |
| * * *  |    | *                    | *     |
| (11) Industrial pneumatic tires:                                     |    |                      |       |
| (i) Single tube—all sizes---   | E  | (including F tube)   |       |
| (ii) Straight side—under 6.00 (except 4.00-8 regular and H. D.)----- | E  |                      | F     |
| (iii) Straight side—6.00 and up-----                                 | D  |                      | C     |
| Exception 1—4.00-8 regular-----                                      | FF |                      | F     |
| Exception 2—4.00-8 heavy duty-----                                   | D  |                      | C     |

<sup>1</sup> 7 F.R. 967, 2344, 2346, 2449, 2595, 2782, 3389.

PASSENGER FRICTION—CON.

| Description of product  | Compounds to be used |       |
|---|----------------------|-------|
|   | Pas-senger Friction  | Tread |
| (12) Industrial solid tires:                                  |                      |       |
| (i) Stretch-on or Hollow Centre-----                          | --                   | F     |
| (ii) Molded-on for hand operated vehicle-----                 | --                   | FF    |
| (iii) Molded-on for power driven or power drawn vehicles----- | --                   | A     |
| (iv) Pressed-on-----  | --                   | A     |
| (v) Metal base demountable-----                               | --                   | A     |

2. By inserting the following new subparagraph immediately after paragraph (b) (15) thereof:

(16) Rubber insulating tape, List 16.

3. By attaching thereto the attached additional list designated, List 16.

This order shall take effect as of the date of its issuance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

LIST 16

Specifications for the manufacture of rubber insulating tape.

(1) Rubber insulating tape shall be manufactured only from an unvulcanized or partially vulcanized Rubber and Reclaimed Rubber compound.

(2) The thickness shall be .027 inches, plus or minus .003 inches.

(3) Rubber, as defined in paragraph (a) (1) of Supplementary Order M-15-b, shall not be used in proportions which will require more than seven pounds of rubber per 27,000 square inches of tape.

(4) No latex shall be used in the manufacture of such tape.

[F. R. Doc. 42-5502; Filed, June 12, 1942; 11:12 a. m.]

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Supplementary Order No. M-15-d]

RESTRICTION OF TRANSACTIONS IN NEW AIRCRAFT TIRES AND TUBES

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of rubber, and products and materials of which rubber is a component, for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 940.6 *Supplementary Order M-15-d*—(a) *Definitions*. For the purposes of this order;

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.



(2) "Rubber" means all forms and types of rubber, including but not limited to, latex, crude rubber—including guayule, scrap rubber, reclaimed rubber, and all of the varieties of compositions generally known as synthetic rubber.

(3) "Aircraft tire" or "tire" means any rubber tire or casing designed to be used on any aircraft.

(4) "Tube" means any rubber tube designed to be used within an aircraft tire.

(5) "New" as applied to aircraft tires and tubes, means a tire or tube which has been used less than 50 hours of flight.

(6) "Consumer" of an aircraft tire or tube means any person who purchases or accepts delivery of a new aircraft tire or tube for use and not for resale.

(7) "Retailer" means a person selling new aircraft tires or tubes exclusively to consumers.

(8) "Wholesaler" means a person selling new aircraft tires or tubes exclusively to persons buying for purposes of resale.

(9) "Distributor" means a person selling new aircraft tires or tubes both to consumers and to persons who buy for purposes of resale.

(10) "Manufacturer" means a person who manufactures new aircraft tires or tubes.

(b) *Prohibition on sales, leases, trades or loans of new aircraft tires and tubes.*

(1) Except as hereinafter provided, no person shall sell, lease, trade, or lend any new aircraft tires or tubes.

(2) Any person may sell, lease, trade, or lend new aircraft tires or tubes to any manufacturer, wholesaler, distributor, or retailer.

(3) Any manufacturer, wholesaler, distributor, or retailer, may sell, lease, trade, or lend new aircraft tires or tubes to any consumer, provided all of the following conditions are met:

(i) Such consumer shall file with the person making such sale, lease, trade, or loan, a certificate on form PD-410, duly signed by a safety regulation inspector of the Civil Aeronautics Administration stating that the acquisition of such aircraft tire or tube is necessary to maintain an aircraft described in such certificate in an airworthy condition; and

(ii) The consumer, at the time of filing such certificate, shall deliver in trade to the person making such sale, lease, trade, or loan, the tire or tube which is to be replaced by the new tire or tube which he is acquiring. The requirement of this subparagraph (ii) shall not apply if the purchaser can establish to the satisfaction of the safety regulation inspector of the Civil Aeronautics Administration that he has no tire or tube to turn in, because of reasons beyond his control, and if the safety regulation inspector shall so state upon the certificate.

(4) No manufacturer, wholesaler, distributor, or retailer may mount any new aircraft tire or tube on any aircraft owned, operated, or controlled by him,

or otherwise transfer such tire or tube to his own use, unless such person possesses a certificate duly signed by a safety regulation inspector of the Civil Aeronautics Administration, making the statements set forth in subparagraph (3) hereof.

(c) *Exemption of certain transactions.* Nothing in this order shall prevent any person from making a sale, lease, trade, loan or other transfer of a new aircraft tire or tube without a certificate from a safety regulation inspector of the Civil Aeronautics Administration, to or for the account of any of the following:

(1) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics and the Office of Scientific Research and Development.

(2) The Government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its Dominions, Crown Colonies and Protectorates, and Yugoslavia.

(3) Any agency of the United States Government where such aircraft tire or tube is to be delivered to or for the account of, the government of any country listed above or any other country including those of the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(4) Any air carrier which applies to such transfer a preference rating assigned by the Director of Industry Operations pursuant to Preference Rating Order No. P-47; and which also delivers in trade to the person making such sale, lease, trade, loan, or other transfer, either the tire or tube which is to be replaced by the new tire or tube which such air carrier is acquiring, or a written statement signed by a responsible official of such air carrier, that it has no tire or tube to turn in, because of reasons beyond the control of such air carrier.

(5) Any purchaser of a new aircraft, when such tire or tube constitutes a part of the original equipment thereof, provided that such tire or tube is affixed to such new aircraft at the time of its sale and that such sale is not prohibited by the terms of any other order of the War Production Board.

(6) Any manufacturer of aircraft, provided such tire or tube is to be used as part of the original equipment of aircraft and is not to be resold except as part of a finished aircraft.

(7) Any other person to whom such transfer is authorized by the Director of Industry Operations of the War Production Board.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than two years, accurate and complete records concerning inventories and transfers.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as requested by said Board from time to time. No reports or questionnaires are to be filed by any person until forms therefor have been prescribed by the War Production Board.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board by a letter setting forth the pertinent facts and the reasons why he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Communications to War Production Board.* All appeals and all other communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: M-15-d.

(j) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent herewith, in which case the provisions of this order shall govern. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5497; Filed, June 12, 1942;  
11:10 a. m.]

#### PART 1014—BURLAP AND BURLAP PRODUCTS

[Amendment 1 to Conservation Order M-47 as Amended May 2, 1942]

Section 1014.1, *Conservation Order M-47*,<sup>1</sup> is hereby amended as follows:

1. Paragraph (c) (3) (i) (b) is amended by the addition of the words "the Commodity Credit Corporation"

<sup>1</sup> 7 F.R. 3316, 3807.



after "the Defense Supplies Corporation" and before "or any corporation organized."

2. Paragraph (c) (3) (ii) is amended by the addition of the words "the Commodity Credit Corporation or" after "or used by" and before "any importing or non-importing bag manufacturer."

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of June 1942.

J. S. KNOWLSON,

*Director of Industry Operations.*

[F. R. Doc. 42-5494; Filed, June 12, 1942; 11:10 a. m.]

#### PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

[Amendment 3 to Limitation Order L-30]

Section 1052.1 *General Limitation Order L-30*,<sup>1</sup> is hereby amended in the following particulars:

Paragraph (a) (2) is hereby amended by adding the following sentence at the end thereof:

"Group II Products" shall not include any pail or tub which contains metal in only hoops, bails, ears and handles, provided that the total weight of such metal does not exceed 15% of the total weight of the pail or tub, and further provided that any such pail does not have more than two hoops and that any such tub with a capacity of less than 15 gallons does not have more than two hoops.

Paragraph (a) is hereby further amended by adding the following subparagraphs thereto:

(8) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind used in the production of any Group I, Group II or Group III product.

(9) "Supplier" means any person who delivers material to a manufacturer or to another supplier.

(10) "Manufacturer's inventory" means raw materials, semi-processed materials or finished parts for use in the production of any Group I, Group II or Group III product, which prior to April 1, 1942 were either in the physical possession of the manufacturer or in the physical possession of a supplier, earmarked on a firm commitment for delivery to a manufacturer pursuant to a contract or commitment made prior to April 1, 1942.

Paragraph (b) is hereby amended by adding thereto the following subparagraphs:

(6) Notwithstanding the provisions of paragraph (b) (2), any manufacturer may use in the production of carpet sweepers up to and including June 30,

<sup>1</sup> 7 F.R. 2463, 2785, 3473.

1942, any iron or steel which was in such manufacturer's inventory and which had been so fabricated or processed prior to April 1, 1942 that it could not be used for any purpose other than the production of carpet sweepers for which it was originally fabricated or processed. On and after July 1, 1942, no manufacturer shall use any scarce materials in the production of carpet sweepers.

(7) Notwithstanding the provisions of paragraph (b) (2), any manufacturer may use in the production of curtain rods and fixtures and drapery attachments up to and including June 30, 1942.

(i) Any iron or steel which was in such manufacturer's inventory and which had been so fabricated or processed prior to April 1, 1942 that it could not be used for any purpose other than the production of curtain rods and fixtures and drapery attachments; and

(ii) Any steel designed for use in the production of curtain rods and fixtures and drapery attachments, which was in such manufacturer's inventory and had a paint or enamel coating prior to April 1, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of June 1942.

J. S. KNOWLSON,

*Director of Industry Operations.*

[F. R. Doc. 42-5498; Filed, June 12, 1942; 11:11 a. m.]

#### PART 1177—SPICES

[Amendment 1 to Conservation Order M-127]

Section 1177.1 *Conservation Order M-127*<sup>1</sup> is hereby amended in the following respects:

Paragraph (b) (4) (i) is amended to read as follows:

(i) Resale exclusively or predominantly at wholesale, provided such person is not dealing exclusively in the sale of spices in original import packages.

Paragraph (b) (5) is amended by deleting the word "purchases" therefrom and substituting therefor the word "use".

Paragraph (d) (2) is amended to read as follows:

(2) Except as permitted in paragraph (d) (4) below, and subject to the inventory restriction of paragraph (e) below, no wholesale receiver shall, during the month of May 1942 or during any month thereafter, accept delivery of more of any spice than a percentage, determined by the Director of Industry Operations from time to time, of the average monthly deliveries of such spice accepted by such wholesale receiver during the corresponding quarter of 1941; and, except as permitted in paragraph (d) (4) or as otherwise authorized by

<sup>1</sup> 7 F.R. 3444.

the Director of Industry Operations, no Class I industrial receiver and no Class II industrial receiver shall, during the month of June 1942 or during any month thereafter, use more of any spice than a percentage, determined by the Director of Industry Operations from time to time, of the average monthly amount of such spice used by such Class I industrial receiver or such Class II industrial receiver during the corresponding quarter of 1941.

Paragraph (d) (3) is amended by deleting therefrom the words "(if he was a wholesale receiver or an industrial receiver)" and substituting therefor the words "(if he was a wholesale receiver) or the average monthly amount of such spice used by him (if he was a Class I industrial receiver or a Class II industrial receiver)".

Paragraph (e) is amended in the following respects:

By deleting, from paragraph (e) (1), the words "and no industrial receiver".

By amending paragraph (e) (2) to read as follows and by adding immediately thereafter a new paragraph numbered (e) (3) and reading as follows:

(2) No wholesale receiver who, on May 8, 1942, has an inventory of any spice in excess of a 60-day supply may resell or deliver, during any month until such excess is disposed of, more than an amount equivalent to his quota of such spice for that month under paragraph (d) (2) above;

(3) No Class I industrial receiver and no Class II industrial receiver shall accept deliveries of any spice which will increase his inventory thereof to an amount in excess of a practicable minimum working inventory in view of the restrictions herein relating to his use of such spice.

Paragraph (k) (1) is amended to read as follows:

(1) The provisions of this order shall not apply outside the Continental United States (which, for purposes of this order means the 48 States of the United States and the District of Columbia).

Paragraph (k) (2) is amended by adding the following sentence:

In the case of any industrial receiver who is both a Class I industrial receiver and a Class II industrial receiver, the provisions hereof applicable to Class I industrial receivers shall apply to his operations as such and the provisions hereof applicable to Class II industrial receivers shall apply to his operations as such.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of June 1942.

J. S. KNOWLSON,

*Director of Industry Operations.*

[F. R. Doc. 42-5496; Filed, June 12, 1942; 11:10 a. m.]



## PART 1177—SPICES

[Supplementary Order M-127-a, as amended]

Section 1177.2 *Supplementary order M-127-a*<sup>1</sup> is hereby amended to read as follows:

§ 1177.2 *Supplementary Order M-127-a*, as amended. Pursuant to Order M-127, as amended,<sup>2</sup> which this order supplements, the Director of Industry Operations hereby determines that:

(a) For the month of June 1942 and for each month thereafter until otherwise ordered, the quota of any spice listed below shall be:

(1) For any packer or any wholesale receiver, the percentage, specified for such person in the appropriate column of the table below, of the average monthly deliveries of such spice made by him (if he was a packer) or accepted by him (if he was a wholesale receiver) during the corresponding quarter of 1941.

(2) For any Class I industrial receiver or any Class II industrial receiver, the percentage, specified for such person in the appropriate column of the table below, of the average monthly quantity of such spice used by him during the corresponding quarter of 1941.

| Designated spice       | Quota percentages for— |                    |                             |                              |
|------------------------|------------------------|--------------------|-----------------------------|------------------------------|
|                        | Packer                 | Wholesale receiver | Class I industrial receiver | Class II industrial receiver |
| Black pepper.....      | 100                    | 100                | 100                         | 100                          |
| Pimento (allspice).... | 75                     | 50                 | 75                          | 50                           |
| Cassia (cinnamon)....  | 75                     | 50                 | 75                          | 50                           |
| Cloves.....            | 75                     | 50                 | 75                          | 50                           |
| Ginger.....            | 75                     | 50                 | 75                          | 50                           |
| Nutmeg.....            | 75                     | 50                 | 75                          | 50                           |
| Mace.....              | 75                     | 50                 | 75                          | 50                           |
| White pepper.....      | 75                     | 50                 | 75                          | 50                           |

(b) Any Class I industrial receiver who uses any spice in the first processing of fresh fruits or vegetables may combine and use for such processing, at any time during the period of June, July, August, and September 1942, all or any part of his quotas of such spice for those months. He may assume that the quota percentage established for the then current month will remain unchanged during the remaining months of such period. However, if such percentages are reduced after he has anticipated a quota, he shall charge any excess to his quota for the next earliest month for which he will have a quota. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5495; Filed, June 12, 1942; 11:10 a. m.]

<sup>1</sup> 7 F.R. 3445.

<sup>2</sup> 7 F.R. 3444, and *supra*.

## PART 1191—COFFEE

[Amendment 2 to Conservation Order M-135]

Section 1191.1 *Conservation Order No. M-135*<sup>1</sup> is hereby amended in the following respects:

Paragraph (d) is amended by adding two new paragraphs numbered (d) (6) and (d) (7) and reading as follows:

(6) The restrictions of paragraphs (d) (1) and (d) (2) and of paragraphs (d-1) and (e) shall not apply to any exchange of an equal amount of green coffee between a roaster and any other person nor to any exchange of an equal amount of coffee between two wholesale receivers or between a wholesale receiver and a roaster; and the restrictions of paragraph (e) shall not apply to any bona fide resale and delivery of coffee by a wholesale receiver to the roaster from whom he acquired such coffee.

(7) Any person who has had, or has, green coffee owned by him roasted for his account by some other person shall, for purposes of computing his quota as a roaster and charges thereto, consider the resulting coffee as though roasted by him; and the person performing the roasting service shall not consider such coffee as though roasted by him.

Paragraph (d-1) is amended to read as follows:

(d-1) *Restrictions relating to roaster's inventory.* (1) Except as permitted in paragraph (d-1) (2) below, no person shall knowingly deliver green coffee to any roaster, and no roaster shall accept delivery thereof, if such roaster's inventory of green coffee is, or will by virtue of such acceptance become, in excess of a two-months' supply (which, for purposes of this order, shall be computed during any month by multiplying by two such roaster's quota for that month under paragraph (d) (1) above, subtracting therefrom his total inventory of coffee (as defined in paragraph (b) (2)) if, but only if, it exceeds the amount of such quota, and increasing the resultant figure by 19% to allow for shrinkage).

(2) If a shipment of green coffee imported by or specifically for a roaster arrives in the United States and, by virtue of paragraph (d-1) (1), such roaster is not entitled to accept delivery of any or all of such green coffee but is unable to make an immediate bona fide sale, to some unaffiliated person who is entitled to accept delivery, of the excess portion of such shipment or an equivalent amount of green coffee from his existing inventory, such roaster may take possession of such excess, pending the actions provided for below:

(i) Within 72 hours after the arrival of such green coffee in the United States, such roaster shall offer, through established green coffee dealers and/or brokers, such excess, or an equivalent quantity of green coffee from his existing inventory, for bona fide sale to any un-

affiliated person who is entitled to accept delivery;

(ii) At the same time, he shall forward a report on such actions to the War Production Board, stating the steamer, the port of arrival, the excess quantity by number of bags, whether he intends to sell such green coffee or an equivalent amount from his existing inventory, a description (type, chop marks), location of the green coffee offered for sale, and the brokers and/or dealers through whom the offer is being made;

(iii) In the event of sale, he shall forward a report on such sale, within 24 hours thereafter, to the War Production Board, stating the name of the purchaser and the date of sale.

(iv) If, before any such offer for sale is accepted, the roaster becomes entitled under paragraph (d-1) (1) above to accept delivery of a quantity of green coffee, the restrictions of paragraph (d-1) (2) may be considered removed as to the quantity he is so entitled to accept, provided he forwards notice thereof to the War Production Board within 24 hours after he becomes entitled to accept delivery.

(3) In computing the amount of his inventory of green coffee, a roaster shall include any green coffee in the continental United States which is in his possession, under his control, in transit to him, or on dock and declared to him under contract. He shall also include any such inventory of green coffee acquired by him or any affiliated company for resale.

Paragraph (h) is amended by adding the following sentences to the end thereof:

Commencing as of June 15, 1942, every roaster and every person who imports green coffee for resale shall report to the War Production Board, on Form PD-533, his inventory of green coffee and/or of coffee as of the close of business on the 15th and last days of each month, each such report to be forwarded within three days after each reporting date. In addition, commencing as of June 30, 1942, every roaster and every wholesale receiver shall report to the War Production Board, by letter, the total quantity of any quota-exempt deliveries of coffee made by him (if he is a roaster) to, or accepted by him (if he is a wholesale receiver) for, each class of persons under paragraph (d) (4) during the preceding month, each such report to be forwarded within three days after each reporting date.

Paragraph (k) (1) is amended to read as follows:

(1) The provisions of this order shall not apply outside the Continental United States (which, for purposes of this order, means the 48 States of the United States and the District of Columbia).

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671,

<sup>1</sup> 7 F.R. 8114, 8445.



76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5501; Filed, June 12, 1942;  
11:11 a. m.]

#### PART 1261—LABORATORY EQUIPMENT

[Limitation Order L-144]

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of laboratory equipment and the materials entering into the manufacture thereof for the war effort, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1261.1 *General Limitation Order L-144*—(a) *Definition*. For the purpose of this order:

"Laboratory equipment" means material, instruments, appliances, devices, parts thereof, tools and operating supplies for laboratories, or for use in connection with operations usually carried on in laboratories, not including second-hand items.

(b) *General restrictions*. (1) No person shall sell, deliver, rent, purchase, acquire or accept delivery of laboratory equipment in which there is incorporated or used aluminum, chromium, copper, iron, magnesium, molybdenum, nickel, steel, tantalum, tin, titanium, any alloy of said metals, rubber, neoprene or other synthetic rubber, or non-cellulose base synthetic plastics, except pursuant to a purchase order or contract having certified thereon a statement in the following form, signed manually, or as provided in Priorities Regulation No. 7,<sup>1</sup> by an official duly authorized for such purpose:

##### CERTIFICATION

The Laboratory Equipment herein ordered will be used or sold in conformity with the provisions of General Limitation Order No. L-144, with the terms of which the undersigned is familiar.

Name \_\_\_\_\_

By \_\_\_\_\_

Signature of duly authorized official

(2) No person shall make the certification described in the foregoing paragraph unless the laboratory equipment purchased or contracted to be purchased is for one or more of the following uses:

(i) Research on, or production, analysis or testing of, materials.

(ii) Research by or for the United States Army, Navy, Maritime Commission, or any other department, or agency of the government of the United States, or of any foreign country entitled to deliveries under the Act of Congress of March 11, 1941, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iii) Training of personnel for the United States Army, Navy, Maritime

Commission, or any other department of the United States, or for the government of any foreign country entitled to deliveries under the Act of Congress of March 11, 1941, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iv) To the extent necessary for the replacement of essential existing equipment in laboratories affecting the public health, and in United States government, state, county, and municipal laboratories.

(v) To the extent necessary for repair parts and operating supplies for the maintenance of existing essential equipment and activities in laboratories.

(vi) For any use which the Director of Industry Operations, War Production Board, determines is necessary and appropriate in the public interest.

(3) Said certification shall constitute a representation to the War Production Board and to the person with whom the purchase order or contract is placed, that the subject matter of the order or contract will be used or sold in accordance with the provisions of this order. Every person concerned shall be entitled to rely on said certification, unless he knows or has reason to believe it to be false.

(4) No manufacturer shall use any scarce material described in foregoing paragraph (b) (1), where and to the extent that the use of other material is practicable.

(c) *Applicability of Priorities Regulation No. 1*. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1<sup>2</sup> (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(d) *Records*. All persons to whom this order applies shall keep and preserve for not less than two years, accurate and complete records concerning inventories, production and sales, including copies of each purchase order or contract containing the certification hereinabove referred to.

(e) *Audit and inspection*. All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports*. All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(g) *Violations*. Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

<sup>2</sup> 6 F.R. 4489, 6680; 7 F.R. 1493, 1835, 2235, 3311, 3428.

(h) *Appeal*. Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board setting forth pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Communications*. All reports required to be filed hereunder, or communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Safety and Technical Equipment Branch, Technical and Scientific Equipment Section, Washington, D. C., Ref.: L-144. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of June 1942.

J. S. KNOWLSON,  
Director of Industry Operations.

[F. R. Doc. 42-5499; Filed, June 12, 1942;  
11:11 a. m.]

#### PART 1262—HAND SERVICE TOOLS

[General Preference Order E-6]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of hand service tools and of alloy steel used in their manufacture, for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1262.1 *General Preference Order E-6*—(a) *Definitions*. For the purposes of this order:

(1) "Producer" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not, engaged in the production of hand service tools.

(2) "Hand service tool" means any tool listed on Exhibit A hereto attached which is used by hand, and is made of iron or steel or has a principal component part made of iron or steel.

(b) *Restrictions on use of steel for the manufacture of hand service tools*. No producer shall manufacture any hand service tool out of any alloy steels except those which are in the series specified in Exhibit B attached to this order: *Provided, however*, That any alloy steel of a series which is not listed on Exhibit B but which has been received by the producer prior to the issuance date of this order may be used to manufacture hand service tools.

(c) *Restrictions on sales of hand service tools*. No producer shall make delivery of any hand service tool except pursuant to a purchase order bearing a preference rating of A-10 or higher: *Provided, however*, That any producer who, prior to the issuance date of this order, sold hand service tools through

<sup>1</sup> 7 F.R. 1062.



branches and branch stores directly owned and operated by such producer to persons purchasing the same for their own use may continue to sell such tools through such branches and branch stores to such purchasers without a preference rating, subject to the provisions of Priorities Regulation No. 1 requiring the acceptance and filling of defense orders.

(d) *Reports.* Each person to whom this order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of material conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director of Industry Operations by addressing a letter to the War Production Board, Washington, D. C., Ref.: E-6, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: E-6.

(h) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law. 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of June 1942.

J. S. KNOWLSON,

Director of Industry Operations.

#### EXHIBIT A TO GENERAL PREFERENCE ORDER E-6

Chisels, all types.  
Hammers, all types.  
Metal cutting snips and shears.  
Pliers, all types.  
Punches, all types.  
Screw drivers, all types.  
Wrenches, all types.

No. 116—2

#### EXHIBIT B TO GENERAL PREFERENCE ORDER E-6

SAE 1300 Series. NE 8200 Series.  
SAE 4000 Series. NE 8300 Series.  
NE 8000 Series. NE 8400 Series.  
NE 8100 Series. SAE 9200 Series.

[F. R. Doc. 42-5500; Filed, June 12, 1942;  
11:11 a. m.]

### Chapter XI—Office of Price Administration

#### PART 1341—CANNED AND PRESERVED FOODS [Amendment No. 1 to Maximum Price Regulation 152<sup>1</sup>]

##### CANNED VEGETABLES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register. A new paragraph (g) is added to § 1341.22 and a new § 1341.32 is added as set forth below:

§ 1341.22 *Canner's maximum prices for canned vegetables.* \* \* \*

(g) Nothing in this Maximum Price Regulation No. 152, or in the General Maximum Price Regulation,<sup>2</sup> shall apply to sales or deliveries of canned tomatoes and canned peas to the armed forces of the United States and to the Lend-Lease Administration.

§ 1341.32 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1341.22 (g), 1341.32) to Maximum Price Regulation No. 152 shall become effective June 15, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 11th day of June, 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-5486; Filed, June 11, 1942;  
4:55 p. m.]

#### PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 4 To Ration Order 5<sup>3</sup>—Emergency Gasoline Rationing Regulations]

##### EXTENSION OF RATION ORDER PERIOD

In the following amendment the effective period of Ration Order No. 5 is extended through July 15, 1942, and the period "between May 15, 1942 and June 30, 1942", the date "July 7, 1942", the time provisions of § 1394.41 (b) relating to issuance of rationing cards to late applicants, and the period "through June 30, 1942" are amended respectively to extend these periods through July 15, 1942, and to change the date "July 7, 1942" to "July 22, 1942."

Sections 1394.7, 1394.20, 1394.28 (c), (d) and (e), 1394.41 (b), 1394.43 (b) (4), (e) and (h), and 1394.43 (i) (2) are amended to read as set forth below:

##### Scope of Ration Order 5

§ 1394.7 *Effective period of Ration Order 5.* (a) Ration Order No. 5

<sup>1</sup> 7 F.R. 3895, 3963.

<sup>2</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339.

<sup>3</sup> 7 F.R. 3482, 3524, 3554, 3577, 3723, 3782, 4233.

(§§ 1394.1 to 1394.60, inclusive) shall be effective from and after May 12, 1942.

(b) Ration Order No. 5 (§§ 1394.1 to 1394.103, inclusive) shall be effective through July 15, 1942, and may be extended by the Office of Price Administration, in its discretion.

##### Restrictions on Transfer and Use

§ 1394.20 *Filing of forms.* On or before July 22, 1942, every dealer, dealer outlet and supplier shall forward to the Board having jurisdiction over the area in which his place of business is located, all forms OPA R-510 and OPA R-511 received by him between May 15, 1942, and July 15, 1942, inclusive.

##### Gasoline Ration Cards

§ 1394.28 *Form and use of gasoline ration cards.* \* \* \*

(c) Each Class A card shall authorize the transfer and acquisition of seven (7) units of gasoline during the period from May 15, 1942 to July 15, 1942, inclusive.

(d) Each Class B card shall authorize the transfer and acquisition, during the period from May 15, 1942 to July 15, 1942, inclusive, of the following number of units of gasoline:

(e) Each Class X card shall authorize the transfer and acquisition, during the period from May 15, 1942 to July 15, 1942, inclusive, of the quantity of gasoline needed for the motor vehicle or inboard motorboat with respect to which it is issued. Such quantity shall not be restricted.

##### Adjustments, Applications for Supplemental Ration and Appeals

§ 1394.41 *Issuance of cards to late applicants.* \* \* \*

(b) The board shall examine the registration card or registration certificate (or, in the case of an application with respect to an inboard motorboat, the certificate or document, if any) presented by the applicant. If it finds that no gasoline ration card has previously been issued to the applicant and that no application for any such card has previously been made by him, it shall issue a gasoline ration card to him in accordance with the provisions of §§ 1394.30 to 1394.32, inclusive: *Provided, That:*

(1) If the applicant is entitled to a Class A card only; one unit shall be removed from such card for each six (6) day period (or part thereof) between May 15, 1942 and the date of issuance, except that in the case of a card issued between June 13, 1942 and June 30, 1942, inclusive, five (5) units shall be removed and in the case of a card issued between July 1, 1942 and July 15, 1942, inclusive, six (6) units shall be removed.

(2) If the applicant is found to be entitled to a Class B 1 card, one unit on such card shall be removed for each four (4) day period (or part thereof) between May 15 and the date of issuance, except that in the case of a card issued after June 15, 1942, eight (8) units shall be removed, plus one (1) unit for each



full period of ten (10) days which has elapsed after June 15, 1942.

(3) If the applicant is found to be entitled to a Class B 2 card, one unit on such card shall be removed for each three (3) day period (or part thereof) between May 15, 1942 and the date of issuance, except that in the case of a card issued after June 13, 1942, eleven (11) units shall be removed, plus one unit for each full period of eight (8) days which has elapsed after June 13, 1942.

(4) If the applicant is found to be entitled to a Class B 3 card, three (3) units on such card shall be removed for each full seven (7) day period between May 15, 1942 and the date of issuance, except that in the case of a card issued after June 11, 1942 twelve (12) units shall be removed, plus one unit for each full period of five (5) days which has elapsed after June 11, 1942.

\* \* \*  
§ 1394.43 *Applications for supplemental ration.* \* \* \*

(b) The applicant shall state on Form OPA R-512, under oath or on affirmation, in addition to such other information as may be required:

\* \* \*  
(4) The number of miles of driving in the rationed area from the date of the application through July 15, 1942, claimed to be essential.

If the applicant is an employee and claims that a supplemental ration is essential to permit him to carry on his work, the application must be verified by his employer or by an authorized representative of his employer. Every applicant shall also write in, at the top of his application, a description of the precise nature of his work.

\* \* \*  
(e) If the board grants the application, it shall determine the quantity of gasoline (over and above that available to the applicant under his existing gasoline ration card, if any), which is essential to the applicant from the date of its decision through July 15, 1942. It shall then issue to the applicant B 1, B 2 or B 3 cards, or any combination of them, in sufficient number to allow to the applicant the quantity of gasoline determined to be essential, on the basis of the gallonage value of a unit fixed, at the time of granting the application, for the period for which the supplemental ration is granted. It shall cancel any units on such cards, when issued, in excess of the number representing the gallonage which it decides to allot in accordance with the provisions of this paragraph.

\* \* \*  
(h) Any person who uses his motor vehicle or inboard motorboat for transporting a child to or from school and who finds that the ration card issued to him is insufficient to enable him to transport such child, may apply for a supplemental ration, on Form OPA R-512, to any board in the rationed area. The board may, in its discretion, grant the application, but only if it finds that a supplemental ration is essential to the transportation of the child to school and

that the age of the child and the distance from school are such that walking to or from school or any other method of transportation would be unduly arduous or hazardous. If it grants the application, the board shall determine the quantity of gasoline (over and above that available to the applicant under his existing ration card) needed to transport the child to and from school from the date of its decision to July 15, 1942, and may issue to the applicant A, B 1, B 2, or B 3 cards, or any combination of them, in sufficient number to allow to the applicant the quantity of gasoline so determined to be needed.

(i) Any person rendering voluntary services for or receiving training by the American Red Cross, a volunteer firemen's organization, or an organization solely engaged, under the supervision or direction of the Army, Navy, Marine Corps, Coast Guard, or Office of Civilian Defense, in civilian defense activities or in activities directly related to the prosecution of the war, who requires the use of a motor vehicle or inboard motorboat in order to perform such services or receive such training or who requires transportation by motor vehicle or inboard motorboat to and from the site where such services are performed or such training is given may apply to any Board in the rationed area for a supplemental ration. Such application shall be made on Form OPA R-512, with appropriate modifications.

\* \* \*  
(2) The Board may, in its discretion, grant the application if it finds that the services or training are essential to the public welfare or to the war effort and that a supplemental ration is essential to the performance of such services or to the receipt of such training or for transportation to and from the site where such services are to be performed or training given. The Board may not grant the application unless it finds that no other means of transportation reasonably adequate for the purpose are available. If it grants the application, the Board shall determine the quantity of gasoline essential to the purpose from the date of its decision to July 15, 1942, and may issue to the applicant an A, B1, B2 or B3 card, or any combination of them, in sufficient number to allow the minimum quantity of gasoline so determined to be essential.

\* \* \*  
*Effective Date*

§ 1394.61 *Effective dates of amendments.* \* \* \*

(d) Amendment No. 4 (§§ 1394.7, 1394.20, 1394.28 (c), (d), and (e), 1394.41 (b), 1394.43 (b) (4), (e) and (h), and 1394.43 (i) (2)) to Ration Order No. 5 shall become effective June 13, 1942 (Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, Sup. Dir. No. 1 (H), 7 F.R. 562, 3478, 3877)

Issued this 12th day of June 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-5525; Filed, June 12, 1942;  
12:02 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Supplement 3 to Ration Order 5—Emergency Gasoline Rationing Regulations]

DESIGNATION OF UNIT VALUE IN GALLONS OF GASOLINE

Pursuant to the authority vested in me by Directive No. 1 of the War Production Board issued January 24, 1942 and by Supplementary Directive No. 1 (H) issued May 11, 1942.

*It is hereby ordered that:*

§ 1394.103 *Designation of unit value in gallons of gasoline for the period June 15, 1942 to July 15, 1942, inclusive.* (a) The value of a unit on gasoline ration cards Class A, B 1, B 2 and B 3 is hereby designated and fixed for the above period as:

(1) Six (6) gallons of gasoline, with respect to a gasoline ration card issued and used for a motor vehicle (other than a two or three wheeled vehicle) or an inboard motorboat;

(2) Two and four-tenths (2.4) gallons of gasoline, with respect to a gasoline card issued and used for a two or three wheeled motor vehicle.

(b) This Supplement No. 3 (§ 1394.103) supersedes the provisions of Supplement No. 1 (§ 1394.101).

(c) This Supplement No. 3 (§ 1394.103) shall become effective June 13, 1942, and shall continue in force and effect until July 15, 1942 unless amended by further order or direction of the Office of Price Administration (Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, Sup. Dir. No. 1 (H), 7 F.R. 562, 3478, 3877.)

Issued this 12th day of June 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-5524; Filed, June 12, 1942;  
12:01 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK SYNTHETICS AND ADMIXTURES

[Amendment No. 3 to Maximum Price Regulation No. 127<sup>1</sup>]

FINISHED PIECE GOODS

A statement of the considerations involved in this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1400.78 (c) (32) is amended to read as set forth below:

§ 1400.78 *Exempt sales.* \* \* \*

(c) Sales or purchases of:

\* \* \*  
(32) Any fabric covered by Maximum Price Regulation No. 118<sup>2</sup>—Cotton Products.

§ 1400.85 *Effective dates of amendments.* \* \* \*

<sup>1</sup> 7 F.R. 3482, 3524, 3554, 3577, 3723, 3782, 4233.

<sup>2</sup> 7 F.R. 3119, 3242, 4180.

<sup>3</sup> 7 F.R. 3038, 3211, 3522, 3578, 3824, 3905.



(c) Amendment No. 3 (§ 1400.78 (c) (32)) to Maximum Price Regulation No. 127 shall become effective June 15, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 11th day of June 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-5487; Filed, June 11, 1942;  
4:56 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Maximum Prices Authorized Under § 1499.3  
(b) of the General Maximum Price Regulation—Order No. 10]

#### BRASS OR WIRE MILL PRODUCTS, MAXIMUM PRICES

For the reasons set forth in an Opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, it is hereby ordered that:

§ 1499.45 *Authorization to sellers of brass or wire mill products.* (a) Whenever a seller of a brass or wire mill product cannot determine his maximum price for such product under § 1499.2 of the General Maximum Price Regulation, the maximum price for such brass or wire mill product shall be the price set forth in the applicable schedules of list prices, extras and discounts of the American Brass Company, General Cable Corporation, Revere Copper & Brass, Inc., Bridgeport Brass Company, Anaconda Wire & Cable Company, or any one of them, in effect during March, 1942 for a sale of the same quantity of such product to an industrial consumer. This paragraph (a) does not apply to a sale at wholesale or retail, as defined in § 1499.20 of the General Maximum Price Regulation, or to a sale by a distributor of brass or wire mill products, or to a sale by a brass or wire mill.

(b) Whenever a distributor of a brass or wire mill product cannot determine his maximum price for a brass or wire mill product under § 1499.2 of the General Maximum Price Regulation, specific authorization is hereby given to such distributor to determine his maximum price for such product under § 1499.3 (a) of the General Maximum Regulation.

(c) As used in this Order No. 10:

(1) "Brass or wire mill product" means any new plate, sheet, strip, roll, coil, wire, rod, bar, tube, tubing, pipe, extrusion, forging, anode or other shape made from copper or copper base alloy by a brass or wire mill. It does not include any rod, coil, wire or other shape for which a maximum price is established by Revised Price Schedule No. 82—Wire, Cable and Cable Accessories.<sup>2</sup>

(2) "Copper base alloy" means any alloy metal in the composition of which

the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy.

(3) "Industrial consumer" means any person who purchases any brass or wire mill product for the purpose of fabrication.

(4) "Distributor of brass or wire mill products" means any person whose business includes receiving delivery of brass or wire mill products and the resale thereof to an industrial consumer without a substantial change in form.

(d) This Order No. 10 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 10 (§ 1499.45) shall become effective as of May 11, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 12th day of June 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-5523; Filed, June 12, 1942;  
12:01 p. m.]

#### Chapter XIII—Office of Petroleum Coordinator for War

[Recommendation No. 51]

#### PART 1505—TRANSPORTATION

#### UTILIZATION OF INLAND WATERWAYS BARGE TONNAGE

*To the Transportation Committees for Districts One, Two, and Three, the Joint Barge Subcommittee for Districts One, Two, and Three, and to all persons owning, operating, using, or otherwise having an interest in any inland waterways barge equipment in Districts One, Two, and Three:*

The diversion for war and other essential purposes of a large part of the American tanker fleet normally engaged in transporting petroleum and petroleum products to the Atlantic Seaboard area, together with the loss through enemy action of other vessels of that fleet, has resulted in a shortage of petroleum and petroleum products in that area and in a disruption of normal supply and distribution. To minimize this shortage and to maintain the necessary level of production of war products manufactured both by the petroleum industry and other basic industries depending upon an adequate and continuous supply of petroleum products, it is necessary to provide additional and supplemental means of transportation and a more efficient use of existing transportation facilities. The national interest requires that all steps be taken which will produce the most efficient utilization and operation of available inland waterways barge equipment tonnage and to provide for the equitable sharing of that tonnage among all affected units of the petroleum industry.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for War, I do hereby recommend that immediately and until further notice:

Sec.

1505.88 Appointment of Joint Barge Subcommittee.

1505.89 Surveys and investigations.

1505.90 Plans for the allocation and use of barge equipment.

1505.91 Meetings.

1505.92 Effectuating plans and schedules.

1505.93 Supervision of inland waterways barge operations.

1505.94 Administration.

1505.95 Reports.

1505.96 Expenses.

AUTHORITY: §§ 1505.88 to 1505.96, inclusive, issued under the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1505.88 *Appointment of Joint Barge Subcommittee.* The Chairmen of the Transportation Committees for Districts One, Two and Three shall appoint, subject to the approval of the Petroleum Coordinator for War or the Deputy Petroleum Coordinator, a Joint Barge Subcommittee for Districts One, Two, and Three, comprised of two members from each of said Districts, which Subcommittee shall be charged with the responsibility of obtaining maximum efficiency in the use of all inland waterways barge equipment employed by the petroleum industry and for assuring that all such barge equipment is utilized to meet the critical problems of petroleum supply in each District. The District Director of Transportation for District Two shall sit with the Subcommittee as advisor and consultant in deliberations of the Subcommittee and shall act as liaison officer between the Director of Transportation of the Office of Petroleum Coordinator and the Subcommittee.

§ 1505.89 *Surveys and investigations.* The Joint Barge Subcommittee for Districts One, Two, and Three shall make such surveys and investigations and shall obtain such information with respect to the use, location, port-to-port movement and availability of inland waterways barge equipment as may be necessary or desirable to accomplish the objectives specified in § 1505.88. All users of inland waterways barge equipment in, or available for, the service of the petroleum industry in Districts One, Two and Three shall furnish such information to the Subcommittee promptly upon request.

§ 1505.90 *Plans for the allocation and use of barge equipment.* The Subcommittee, after having obtained and analyzed all pertinent available facts, figures and other data with respect to the operation and utilization of inland waterways barge equipment in Districts One, Two, and Three, including facts, figures, and other data with respect to the past and present utilization of such equipment by specific persons, natural or artificial, for the transportation of petroleum, petroleum products and other commodities, shall prepare a plan for submission to the Chief Counsel of the Office of Petroleum Coordinator for War for the procurement of additional barges and power equipment, the conversion of barges and equipment now engaged in other services and the allocation of all barges and equipment available for petroleum transportation to trades, uses and services

<sup>1</sup> 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339.

<sup>2</sup> 7 F.R. 1358, 1836, 2153.



which will accomplish the most efficient use and equitable distribution among all persons, natural or artificial, affected, of inland waterways barge equipment available for the transportation of petroleum products throughout Districts One, Two, and Three. Any such plans shall include the correlation of inter-district operations so as to secure maximum efficiency in the use of inland waterways equipment, including the elimination of cross-hauling and back-hauling.

§ 1505.91 *Meetings.* Meetings of the Transportation Committees, the Joint Barge Subcommittee, representatives of the persons, natural or artificial, engaged in the petroleum industry in Districts One, Two, and Three and other persons wherever located who may be affected may be held from time to time for the purpose of gathering information, rendering reports and preparing the plans provided for in § 1505.90. The aforesaid Committees, Subcommittees, representatives, and persons, or any of them, may upon the approval by the Chief Counsel of the Office of Petroleum Coordinator for War of any plan herein provided for meet from time to time for the purpose of doing all things necessary to carry into effect any such plan in accordance with the provisions of this Recommendation.

§ 1505.92 *Effectuating plans and schedules.* The Committees and Subcommittees referred to in §§ 1505.88 to 1505.91, inclusive, and all persons affected by any plan or schedule formulated in accordance with the said sections shall, upon the approval of any such plan or schedule by the Chief Counsel of the Office of Petroleum Coordinator for War, carry into effect such plan or schedule according to its terms, conditions, and intent.

§ 1505.93 *Supervision of inland waterways barge operations.* The Subcommittee created pursuant to § 1505.88 shall investigate and keep informed concerning the loading, unloading, routing and handling of all inland waterways barges and equipment used in petroleum service in Districts One, Two and Three and shall make appropriate recommendations to the owners, users and handlers of such barges and equipment to the end that maximum efficiency in use of inland waterways barge equipment in appropriate supply services may be attained.

§ 1505.94 *Administration.* In carrying out the duties, responsibilities, and functions provided under this Recommendation and any approved plan authorized herein, the Joint Barge Subcommittee shall consult with other appropriate Committees and Subcommittees in Districts One, Two, and Three to the extent that plans or activities hereunder may affect such other committees and, to this end, all such committees and subcommittees shall provide the Joint Barge Subcommittee with such information, material, and assistance as may be necessary or desirable to carry into effect the provisions of this Recommendation. The Joint Barge Subcommittee shall maintain such staff, and appoint such persons as it finds necessary to carry out its duties, responsibilities, and functions

under this Recommendation or any plan adopted pursuant thereto. Any vacancies in the membership of the said Subcommittee shall be filled through appointment of new members by the appropriate Chairman of the Transportation Committee of the District involved, subject to approval by the Petroleum Coordinator for War or Deputy Petroleum Coordinator. The Joint Barge Subcommittee shall coordinate its activities under this Recommendation with the policies of the Division of Transportation of the Office of Petroleum Coordinator for War.

§ 1505.95 *Reports.* The Joint Barge Subcommittee shall file a weekly progress report with the Chairmen of the Transportation Committees for Districts One, Two, and Three. A copy of all reports, schedules or other documents prepared pursuant to the terms of this Recommendation shall be forwarded to the Director of Transportation in the Office of Petroleum Coordinator for War and to all other appropriate Directors in that Office.

§ 1505.96 *Expenses.* Any expenses incurred by any Committee or Subcommittee pursuant to the operation of this Recommendation shall be defrayed by the appropriate General Committee or Committees pursuant to the provisions of Recommendation No. 7.<sup>1</sup>

R. K. DAVIES,  
Deputy Petroleum Coordinator for War.  
JUNE 8, 1942.

[F. R. Doc. 42-5493; Filed, June 12, 1942;  
10:32 a. m.]

#### Chapter XV—Defense Communications Board

[Order No. 9]

##### PART 1708—AUTHORIZATION OF FEDERAL COMMUNICATIONS COMMISSION TO CONTROL, SUPERVISE, INSPECT OR CLOSE STATIONS IN THE WAR EMERGENCY RADIO SERVICE

Whereas, The Defense Communications Board has determined that the national security and defense and the successful conduct of the war demand that all stations in the War Emergency Radio Service, as defined in the Rules and Regulations of the Federal Communications Commission, within the jurisdiction of the United States, shall be subject to control, supervision, inspection or closure by the Federal Communications Commission;

Now, therefore, by virtue of the authority vested in the Defense Communications Board by Executive Order No. 8964 of December 10, 1941:<sup>2</sup> *It is hereby ordered, That:*

§ 1708.1 *War Emergency Radio Service.* All stations in the War Emergency Radio Service, as defined in the Rules and Regulations of the Federal Communications Commission, within the jurisdiction of the United States, shall be subject to such control, supervision, inspection or closure by the Federal Com-

<sup>1</sup> 6 F.R. 5016, 5622, 6432.

<sup>2</sup> 6 F.R. 6367.

munications Commission in accordance with the terms of the said Executive Order as the Federal Communications Commission may deem necessary for the national security and defense and the successful conduct of the war, under such rules and regulations as the Federal Communications Commission may prescribe and without regard to the requirements of notice and hearing contained in the Communications Act.

Subject to such further order as the Board may deem appropriate.

DEFENSE COMMUNICATIONS BOARD.  
JAMES LAWRENCE FLY, *Chairman.*

Attest:

R. J. MAUERMAN,  
*Acting Secretary,*  
Commander, U. S. Coast Guard.

MAY 28, 1942.

[F. R. Doc. 42-5519; Filed, June 12, 1942;  
11:42 a. m.]

#### TITLE 33—NAVIGATION AND NAVIGABLE WATERS

##### Chapter II—Corps of Engineers—War Department

##### PART 203—BRIDGE REGULATIONS

##### CAT POINT CREEK BRIDGE, WARSAW, VA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499) the following regulations are prescribed to govern the operation of the Virginia Department of Highways bridge across Cat Point Creek, six and one-half miles above the mouth, near Warsaw, Virginia:

§ 203.342 *Cat Point Creek, Va.; Virginia Department of Highways bridge near Warsaw, Va.* (a) The owner or agency controlling the bridge will not be required to keep a draw tender in constant attendance at the above-named bridge.

(b) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw, at least four hours' advance notice of the time the opening is desired shall be given to the authorized representative of the owner or agency controlling the bridge.

(c) Upon receipt of such notice the authorized representative of the owner or agency controlling the bridge shall arrange for the prompt opening of the draw, at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the downstream and upstream sides of the bridge, in such manner that it can be easily read at any time, a copy of these regulations, together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition and the draw opened and closed frequently enough to make certain that the machinery is in proper order for



satisfactory operation. (Sec. 5, 28 Stat. 362; 33 U.S.C. 499) [Regs. June 3, 1942 (C.E. 6371 (Virginia—Cat Point Creek)—SPEON)]

[SEAL]

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 42-5489; Filed, June 12, 1942;  
9:25 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

#### PART 15—RULES AND REGULATIONS GOVERNING ALL RADIO STATIONS IN THE WAR EMERGENCY RADIO SERVICE

The Commission, on May 26, 1942, effective June 12, 1942, adopted the following rules and regulations:

##### DEFINITIONS

- Sec.  
15.1 War emergency radio service.  
15.2 Civilian defense stations.  
15.3 State guard stations.

##### APPLICATIONS

- 15.11 Applications for station license.

##### OPERATING SPECIFICATIONS

- 15.21 Frequencies.  
15.22 Types of emission.  
15.23 Selection of frequencies.  
15.24 Non-exclusive use of frequencies.  
15.25 Frequency stability.  
15.26 Frequency measurement procedure.  
15.27 Changes in equipment.  
15.28 Power.  
15.29 Modulation limits.  
15.30 Who may operate stations.  
15.31 Logs.

##### IDENTIFICATION OF STATIONS

- 15.41 Identification of transmitters.  
15.42 Transmission of call letters.

##### LICENSES

- 15.51 Control of equipment.  
15.52 Cancellation without notice or hearing.  
15.53 License period.  
15.54 Availability of station license.

##### CIVILIAN DEFENSE STATIONS

###### Station Licensees

- 15.61 Eligibility for station license.  
15.62 Supplementary statements.

###### Scope of Service

- 15.63 Service which may be rendered.  
15.64 Communication with other stations.

###### Supervision and Control

- 15.66 Operational supervision.

###### Radio Aide

- 15.71 Definition.  
15.72 Qualifications.  
15.73 Certification.  
15.74 Duties.

###### Tests and Drills

- 15.75 Tests.  
15.76 Drills.

##### STATE GUARD STATIONS

###### Licensees

- 15.81 Eligibility for station license.  
15.82 Supplementary statements.

##### Service

- Sec.  
15.83 Scope of service.

##### Supervision and Control

- 15.84 Operational supervision.

##### Communications Officer

- 15.85 Definition.  
15.86 Duties.

##### Tests

- 15.87 Tests.

#### RULES AND REGULATIONS GOVERNING ALL OPERATORS OF STATIONS IN THE WAR EMERGENCY RADIO SERVICE

- 15.101 Licensed operators required.  
15.102 Eligibility.  
15.103 Application requirements.  
15.104 Validity of permit.  
15.105 Cancellation of permit.  
15.106 Duplicate permit.  
15.107 Renewal of war emergency radio service operator permit.  
15.108 Suspension of operator license.

AUTHORITY: §§ 15.1 to 15.108, inclusive, issued under sec. 4 (1), 303, 48 Stat. 1068, 1082; 47 U.S.C. 154 (1), 303.

##### DEFINITIONS

§ 15.1 *War emergency radio service.* The term "War Emergency Radio Service" means a temporary radio communication service intended solely for emergency communication in connection with the national defense and security.

§ 15.2 *Civilian defense stations.* The term "Civilian Defense Station" means a station operated by an instrumentality of local government for emergency communication relating directly to the activities of the United States Citizens' Defense Corps<sup>1</sup> or other equivalent officially recognized organization.

§ 15.3 *State guard stations.* The term "State Guard Station" means a station operated by a State for communication in connection with the activities of the State Guard or equivalent officially recognized organization.

##### APPLICATIONS

§ 15.11 *Applications for station license.* Applications for authorizations in the war emergency radio service shall be submitted on the prescribed form.<sup>2</sup> A blanket application may be submitted for an authorization to cover the operation of all fixed, portable, mobile, and portable-mobile transmitters proposed to be used in a single coordinated communication system.

##### OPERATING SPECIFICATIONS

§ 15.21 *Frequencies.* The following frequency bands are available for assignment to stations operating in the war emergency radio service: 112,000–116,000 kc.; 224,000–230,000 kc.; 400,000–401,000 kc.

§ 15.22 *Types of emission.* All stations in the war emergency radio service are authorized to use the following types of emissions: A-0, A-1, A-2, A-3, or special for frequency modulation.

<sup>1</sup> The United States Citizens' Defense Corps is an organization of enrolled civilian volunteers established within the Office of Civilian Defense to implement the passive defense.

<sup>2</sup> F.C.C. Form No. 455.

§ 15.23 *Selection of frequency.* Licensees may select operating frequencies within the available bands provided the equipment is capable of meeting the frequency stability requirements specified in § 15.25.

§ 15.24 *Non-exclusive use of frequencies.* No licensee of any station in the war emergency radio service shall have the exclusive use of any frequency. In the event mutual interference occurs between stations operating simultaneously, the licensees shall be required to coordinate the operation of the stations so as to minimize interference, and make the most effective use of the frequencies available.

§ 15.25 *Frequency stability.* (a) Transmitting equipment used in the war emergency radio service must be capable of maintaining the operating carrier frequency (without readjustments) within the limits set forth in the following table:

| Operating frequencies within the bands (kilocycles): | Maximum deviation band width |
|--|------------------------------|
| 112,000–114,000-----                                 | 0.1 of 1 percent.            |
| 114,000–116,000-----                                 | 0.3 of 1 percent.            |
| 224,000–227,000-----                                 | 0.1 of 1 percent.            |
| 227,000–230,000-----                                 | 0.3 of 1 percent.            |
| 400,000–401,000-----                                 | 0.2 of 1 percent.            |

(b) Notwithstanding the maximum frequency deviation permitted, all emissions, including those resulting from keying or modulating a transmitter, shall be confined within the frequency band in which the transmitter is authorized to be operated in accordance with the provisions of § 15.25 (a).

(c) Spurious radiations shall be reduced or eliminated in accordance with good engineering practice.

§ 15.26 *Frequency measurement procedure.* The licensees of stations in the war emergency radio service shall provide for measurement of the transmitter frequencies, shall establish a procedure for checking them regularly and shall maintain adequate records of such measurements. The measurement of the transmitter frequencies shall be made by means independent of the frequency control of the transmitter, and shall be of sufficient accuracy to assure operation within the maximum deviation permitted under § 15.25.

§ 15.27 *Changes in equipment.* The licensee of a station in the war emergency radio service may make any changes in the equipment that are deemed necessary or desirable unless specifically prohibited from doing so by the terms of the license, *Provided, That:*

(a) All changes be made with the full knowledge and consent of the radio aide or the communications officer.

(b) Emissions are not radiated outside the authorized frequency band.

(c) The operating frequency does not deviate more than that specified in § 15.25.

(d) Plate power input does not exceed that authorized in § 15.28.

§ 15.28 *Power.* (a) All stations in the war emergency radio service are authorized to use a maximum unmodulated



power input of 25 watts to the plate circuit of the final amplifier stage of an oscillator-amplifier transmitter or to the plate circuit of an oscillator transmitter.

(b) No station shall be operated at any time with a power in excess of that necessary to render satisfactory communication service. In no event shall operations be conducted with power in excess of the authorized power or in excess of the maximum obtainable carrier power output of the transmitter consistent with satisfactory technical operation.

§ 15.29 *Modulation limits.* (a) The transmitted carrier of stations in the war emergency radio service using amplitude modulation shall be modulated not more than 100%.

(b) The transmitted carrier of stations in the war emergency radio service using frequency modulation shall be modulated so that the total frequency swing arising from modulation shall not exceed 100 kilocycles.

§ 15.30 *Who may operate stations.* All stations in the war emergency radio service shall be operated only by a radio operator holding a valid war emergency radio service operator permit: *Provided, however,* That when such stations use radio-telephony, the licensee may permit such persons as the radio operator deems essential to the emergency, to transmit by voice, on condition that the duly licensed operator maintains control over the transmission by listening and turning the carrier on and off when required, and signs the station off after the transmission has been completed.

§ 15.31 *Logs.* The station licensee shall maintain written records concurrently with the operation of each station with respect to the following:

(a) Location of station during operation.

(b) Date and time of operation in local standard (war) time.

(c) Identity of station worked and type of communications handled.

(d) Operating frequencies employed.

(e) Names and official titles of persons transmitting by voice over the station whenever such voice transmission is actually carried on by other than a duly licensed operator.<sup>3</sup>

(f) Name of operator on duty.

(g) Signature and title of person maintaining log record. *Provided, however,* That operation in a blackout or during actual air raids, impending air raids or other enemy military action or acts of sabotage, such record of operation shall be reduced to writing at the earliest opportunity and in such detail as may be practicable.

#### IDENTIFICATION OF STATIONS

§ 15.41 *Identification of transmitters.* The call letters and unit number assigned in the license shall be permanently affixed to the transmitter by the licensee.

§ 15.42 *Transmission of call letters.* Stations in the war emergency radio

service shall identify themselves by the call letters and unit number assigned to the transmitter at the beginning and end of each complete exchange of communications.

#### LICENSES

§ 15.51 *Control of equipment.* All equipment for which a license is granted must be owned by or in the possession of the licensee at all times. No license will be granted permitting the operation of a specific transmitter by more than one station licensee in the war emergency radio service.

§ 15.52 *Cancellation without notice or hearing.* A license authorizing the operation of a station in the war emergency radio service is granted upon the express condition that said grant is subject to change or cancellation by the Commission at any time without advance notice or hearing, if in its discretion such action is deemed necessary for the national security and defense and successful conduct of the war.

§ 15.53 *License period.* (a) Station licenses normally will be issued for a period of one year unless otherwise stated therein.

(b) Dates of expiration of licenses shall be in accordance with the following:

(1) For stations in the states of Alabama, Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia, Delaware, Florida—the first day of February of each year.

(2) For stations in the states of Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, and Kentucky—the first day of March.

(3) For stations in the states of Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, and Montana—the first day of April.

(4) For stations in the states of Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, and North Dakota—the first day of May.

(5) For stations in the states of Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, and South Dakota—the first day of June.

(6) For stations in the states of Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, and for stations in the territories and possessions—the first day of July.

(c) Unless otherwise directed by the Commission, each application for renewal of station license shall be filed on the proper form<sup>4</sup> at least sixty (60) days prior to the expiration date of the license sought to be renewed.

§ 15.54 *Availability of station license.* The original license shall be associated with the station normally in control of all stations covered by the license, and photocopies of the original license provided by the licensee shall be associated with each of the other stations covered

by the license. The original and all photocopies shall be readily available for inspection at any time by an authorized government representative.

#### CIVILIAN DEFENSE STATIONS

##### Station Licensees

§ 15.61 *Eligibility for station license.* Authorizations for civilian defense stations will be issued only to instrumentalities of local government such as cities, towns, counties, etc.

§ 15.62 *Supplementary statements.* The applicant shall submit with the application complete and detailed information on the following:

(a) The proposed plan of operation including:

(1) General operating procedure.

(2) The scope of service to be rendered.

(3) Type of messages to be transmitted.

(4) Methods to be used in monitoring, supervising, and controlling the operation of all stations for which license is requested.

(5) Methods used to measure the operating frequencies of the transmitters.

(6) Provisions for periodic inspection of the equipment.

(7) Source and distribution of the equipment.

(b) The area in which the stations are to be operated:

(1) If service is to be rendered to adjacent municipalities, the applicant must submit sworn copies of agreements made between the applicant and the adjacent municipalities. Such agreements shall show that the applicant is required to furnish service and the adjacent municipalities agree to accept such service and not to request individual authority, and that such agreements shall provide notification to the Commission sixty (60) days prior to termination thereof.

(c) Methods used to ascertain the loyalty and integrity of radio station operating personnel.

(d) Plans for enlisting radio operating personnel, and whether they will serve on a paid or voluntary basis.

##### Scope of Service

§ 15.63 *Service which may be rendered.* Civilian defense stations may be used for essential communication relating to civilian defense and only during or immediately following actual air raids, impending air raids, or other enemy military operations or acts of sabotage.

§ 15.64 *Communication with other stations.* Within the scope of service permitted under § 15.63 and during tests and drills, civilian defense stations may be used to communicate with other stations in the war-emergency radio service, and with stations in the emergency radio service (police, forestry, special emergency, and marine fire stations) in those cases which require cooperation or coordination of activities. Transmis-

<sup>3</sup> This provision does not eliminate the requirement of a licensed operator on duty at the transmitter location who is responsible for the operation thereof.

<sup>4</sup> F.C.C. Form No. 405.



sions not directed to a specific authorized station are prohibited.

#### Supervision and Control

§ 15.66 *Operational supervision.* The operation of civilian defense stations shall be directed at all times by a duly qualified radio aide: *Provided, however,* That the delegation of such supervision shall in no way relieve the licensee of the ultimate responsibility for the proper operation of the stations in accordance with the terms of the station license.

#### Radio Aide

§ 15.71 *Definition.* The term "Radio Aide" means the official designated by the station licensee to direct and supervise the operation of all of the radio stations to be covered in the license for which application is made.

§ 15.72 *Qualifications.* The radio aide shall:

(a) Hold a valid operator's license of any class granted by the Commission except a restricted radiotelephone operator's permit; and shall

(b) Have been investigated and certified by the station licensee as to his loyalty to the United States and recognized integrity.

§ 15.73 *Certification.* The station licensee shall submit to the Commission, on a prescribed form,<sup>5</sup> the name and address of the initial radio aide and his successor(s), together with a statement from the radio aide that he has accepted such appointment, and the station licensee shall certify:

(a) That the radio aide has been duly investigated by the licensee and is believed to be loyal to the United States and is of recognized integrity; and

(b) That his technical and administrative qualifications are adequate for the proper performance of his duties.

§ 15.74 *Duties.* The duties of the radio aide shall include among others:

(a) The direction and supervision of all radio stations to be covered in the license to assure strict compliance with the terms of the station license.

(b) The provision for the adequate monitoring of all transmissions of the stations under his supervision to assure compliance with the rules and regulations of the Commission, and to guard against the improper use of the radio stations and intentional or inadvertent transmission which might be of value to the enemy.

(c) Inspection of the equipment periodically to insure satisfactory technical operation.

(d) Certification of the names of proposed radio operators after a thorough investigation has been made relative to their loyalty to the United States and their known integrity.

#### Tests and Drills

§ 15.75 *Tests.* The licensees of civilian defense stations are permitted to make such tests as are necessary for the purpose of maintaining equipment, making

adjustments to insure that the apparatus is in operating condition, training personnel, and perfecting methods of oper-

ating procedure: *Provided,* That such tests shall be conducted only during the following periods:

#### FOR TESTS PRIOR TO NOV. 1, 1942

|                 | Time zone              |                      |                      |                     |
|-----------------|------------------------|----------------------|----------------------|---------------------|
|                 | Eastern                | Central              | Mountain             | Pacific             |
| Wednesdays..... | 10 p. m.-12 midnight.. | 9 p. m.-11 p. m..... | 8 p. m.-10 p. m..... | 7 p. m.-9 p. m..... |
| Sundays.....    | 5 p. m.-7 p. m.....    | 4 p. m.-6 p. m.....  | 3 p. m.-5 p. m.....  | 2 p. m.-4 p. m..... |

#### FOR TESTS SUBSEQUENT TO NOV. 1, 1942

|              | Time zone           |                     |                     |                     |
|--------------|---------------------|---------------------|---------------------|---------------------|
|              | Eastern             | Central             | Mountain            | Pacific             |
| Sundays..... | 5 p. m.-7 p. m..... | 4 p. m.-6 p. m..... | 3 p. m.-5 p. m..... | 2 p. m.-4 p. m..... |

All times given are local standard (war) time.

§ 15.76 *Drills.* Licensees of civilian defense stations may conduct drills during practice alerts, practice blackouts, practice mobilizations or other comparable situations as may be initiated and ordered by the proper military authority or local civil defense authority: *Provided,* That a notice, by mail, of such operations is sent within twenty-four hours after the drill to the Inspector in Charge of the radio district in which the stations are located, and a copy to the Federal Communications Commission in Washington, D. C.

#### STATE GUARD STATIONS

##### Licensees

§ 15.81 *Eligibility for station license.* Authorizations for state guard stations will be issued only to the official state guard or comparable organizations of a state, territory, possession, or the District of Columbia.

§ 15.82 *Supplementary statements.* The applicant shall submit with the application complete and detailed information on the proposed plan of operation including:

- (a) General operating procedure.
- (b) Scope of service to be rendered.
- (c) Type of messages to be transmitted.
- (d) Methods to be used in monitoring, supervising, and controlling the operation of all stations for which the license is requested.
- (e) Method used to measure the operating frequencies of the transmitters.
- (f) Provisions for periodic inspection of the equipment.
- (g) Source and distribution of the equipment.

##### Service

§ 15.83 *Scope of service.* (a) State guard stations may be used only (1) during emergencies endangering life, public safety, or important property, or (2) for essential communications directly relating to state guard activities in instances in which other communication facilities do not exist or are inadequate.

(b) State guard stations may be used to communicate with stations in the war emergency radio service or in the emergency radio service (police, forestry, spe-

cial emergency, and marine fire stations) in those cases which require cooperation or coordination of activities. Transmissions not directed to a specific authorized station are prohibited.

#### Supervision and Control

§ 15.84 *Operational supervision.* The operation of state guard stations shall be directed at all times by an officer in charge of communications or communications officer: *Provided, however,* That the delegation of such supervision shall in no way relieve the licensee of the ultimate responsibility for the proper operation of the stations in accordance with the terms of the station license.

#### Communications Officer

§ 15.85 *Definition.* The term "Communications Officer" means the official designated by the station licensee to direct and supervise the operation of all radio stations to be covered in the license for which application is made.

§ 15.86 *Duties.* The duties of the communications officer shall include, among others:

(a) The direction and supervision of all radio stations to be covered in the license to assure strict compliance with the terms of the station license.

(b) The provision for adequate monitoring of all transmissions of the stations under his supervision to assure compliance with the rules and regulations of the Commission, and to guard against the improper use of the radio stations and intentional or inadvertent transmissions which might be of value to the enemy.

(c) Inspection of the equipment periodically to insure satisfactory technical operation.

(d) Certification of the names of proposed radio operators after a thorough investigation has been made relative to their competence.

#### Tests

§ 15.87 *Tests.* The licensees of state guard stations are permitted to make such routine tests as are required for the proper maintenance of the stations and the communication system: *Provided,* That steps are taken to avoid interference with other stations: *And provided*

<sup>5</sup> F.C.C. Form No. 455-A.



further, That such testing shall not exceed a total of 4 hours per week.

# RULES AND REGULATIONS GOVERNING ALL OPERATORS OF STATIONS IN THE WAR EMERGENCY RADIO SERVICE

§ 15.101 *Licensed operators required.* The actual operation of any station in the war emergency radio service shall be carried on only by a duly qualified radio operator holding a war emergency radio service operator permit (see § 15.30). The permit shall be in the possession of the operator at all times while on duty, and shall be produced for inspection when requested by an authorized representative of the government or the station licensee.

§ 15.102 *Eligibility.* To be eligible for a war emergency radio service operator permit, an applicant shall:

(a) Hold a radio operator license or permit of any class issued by the Commission.

(b) Have complied with the provisions of Commission Order No. 75 (fingerprints, proof of citizenship, etc.)

(c) Be approved by the station licensee and be properly certified for participation in the activities of the organization.

§ 15.103 *Application requirements.* An application for each war emergency radio service operator permit shall be submitted on the prescribed form<sup>6</sup> through the station licensee. This application shall include the name and address of the station licensee, together with the name and address of the proposed radio operator, and the class of operator license held by the applicant, and shall be certified to by the radio aide or communications officer that:

(a) The proposed operator has been duly investigated and is believed to be loyal to the United States, and is of recognized integrity.

(b) His technical qualifications are adequate for the proper performance of his duties.

§ 15.104 *Validity of permit.* (a) The war emergency radio service operator permit authorizes only the operation of the stations licensed to a particular licensee, and is valid for the duration of the war and six months thereafter, but in no event to exceed a period of five years from date of issuance.

(b) The war emergency radio service operator permit is valid only when the photograph and signature of the holder have been affixed thereto.

(c) A photocopy of such permit will not be recognized for the operation of any station in the war emergency radio service.

§ 15.105 *Cancellation of permit.* (a) A war emergency radio service operator permit is granted upon the express condition that said permit is subject to change or cancellation by the Commission at any time without advance notice or hearing, if in its discretion such action is deemed necessary for the national security and defense and the successful conduct of the war.

<sup>6</sup> F.C.C. Form No. 457.

(b) The holder of a war emergency radio service operator permit shall surrender such permit to the Commission for cancellation at the request of a station licensee or upon termination of the operator's connection with the station licensee with whom he was previously affiliated.

§ 15.106 *Duplicate permit.* An operator whose permit has been lost, mutilated or destroyed shall immediately notify the Commission. Any operator permittee applying for a duplicate permit to replace an original which has been lost, mutilated or destroyed shall submit to the station licensee for transmittal to the Commission such mutilated license or affidavit attesting to the facts regarding the manner in which the original was lost or destroyed. If the original is later found, it or the duplicate permit shall be returned to the Commission for cancellation.

§ 15.107 *Renewal of war emergency radio service operator permit.* A war emergency radio service operator permit may be renewed upon proper application which should be submitted to the Commission through the station licensee as in the case for an original permit.

§ 15.108 *Suspension of operator license.* The war emergency radio operator permit may be cancelled and any other class of license held by the operator may be suspended for the violation by the operator of any provisions of law, treaty, rules or regulations of the Commission.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-5516; Filed, June 12, 1942;  
11:41 a. m.]

## [Amendment to Order 96]

### REGISTRATION OF DIATHERMY APPARATUS

The Commission, on June 9, 1942, directed that the time for compliance with Order No. 96<sup>1</sup> be extended from June 8 to June 22, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-5520; Filed, June 12, 1942;  
11:42 a. m.]

## [Order 96-A]

### REGISTRATION OF DIATHERMY APPARATUS AMENDMENT EXCLUDING THE TERRITORY OF HAWAII

Whereas, Order No. 96,<sup>2</sup> dated May 18, 1942, requires the registration of apparatus designed, constructed, or used for generating radio frequency energy and therapeutic purposes, such apparatus being referred to in such Order as "diathermy apparatus";

Whereas, Orders Nos. 105 and 106 issued by the Office of the Military Governor, Iolani Palace, Honolulu, T. H., 20 May, 1942, relate to the use or operation

<sup>1</sup> 7 F.R. 3752.

<sup>2</sup> 7 F.R. 3752 and *supra*.

of electrical diathermy type machines and the registration thereof in the Territory of Hawaii; and

Whereas, the application of Order No. 96 of this Commission to the Territory of Hawaii, is, therefore, inadvisable;

Now, therefore, pursuant to the authority conferred on it by Order No. 4, dated April 16, 1942,<sup>1</sup> of the Defense Communications Board, *It is hereby ordered*, That Order No. 96 covering registration of diathermy apparatus shall have no force and effect in the Territory of Hawaii.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

JUNE 9, 1942.

[F. R. Doc. 42-5521; Filed, June 12, 1942;  
11:42 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

#### Subchapter D—Freight Forwarders

#### POSTPONEMENT OF EFFECTIVENESS OF CERTAIN PROVISIONS OF THE ACT

At a general session of the Interstate Commerce Commission, held at its offices in Washington, D. C., on the 11th day of June, A. D. 1942.

In the matter of the postponement of the taking effect of section 409 (a) (1) of Part IV of the Interstate Commerce Act.

It appearing, that by the provisions of section 6 of the Act approved May 16, 1942, amending the Interstate Commerce Act, the Commission is authorized and directed, if found necessary by it or desirable in the public interest, to postpone the taking effect of any of the provisions of Part IV of the Interstate Commerce Act to such time, but not beyond the first day of July 1942, as the Commission shall, by general or special order, prescribe;

It further appearing, that by order entered June 8, 1942,<sup>2</sup> the taking effect of sections 405 and 415 was postponed until the first day of September 1942, and the taking effect of section 409 (a), (2) and (3) was postponed until the first day of July 1942;

It further appearing, that on the tenth day of June 1942, a number of freight forwarders, subject to the Act, filed a petition requesting that the date for the taking effect of section 409 (a) (1) be postponed;

It further appearing, that the postponement of the taking effect of the provisions of section 409 (a) (1) is necessary and desirable in the public interest, and the Commission so finding;

*It is ordered*, That the date for the taking effect of the provisions of section 409 (a) (1) be, and it is hereby, postponed until the first day of July 1942;

*And it is further ordered*, That the notice of such postponement be given

<sup>1</sup> 7 F.R. 2903.

<sup>2</sup> 7 F.R. 4389.



to freight forwarders subject to Part IV of the Interstate Commerce Act, and to the public by depositing a copy of this order in the office of the Secretary of the Commission, Washington, D. C., and by publishing this order in the FEDERAL REGISTER.

By the Commission.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 42-5510; Filed, June 12, 1942;  
11:19 a. m.]

## Chapter II—Office of Defense Transportation

[Correction of Instruction O.D.T. 1]

### PART 502—DIRECTION OF TRAFFIC MOVEMENT

SUBPART C—INSTRUCTIONS TO ALL CARRIERS, WHETHER COMMON, CONTRACT, OR PRIVATE, INCLUDING RAILROADS, EXPRESS COMPANIES, FREIGHT FORWARDERS, TRUCKS, AND BARGE LINES COVERING EXPORT FREIGHT

In paragraph (a) of § 502.10, of Instruction O.D.T. No. 1,<sup>1</sup> the reference "(See §§ 502.10 (d) and 502.11)" should read "(See §§ 502.10 (c) and 502.11)", and it is corrected.

Issued this 11th day of June 1942.

JOSEPH B. EASTMAN,  
Director of Defense Transportation.

[F. R. Doc. 42-5515; Filed, June 12, 1942;  
11:31 a. m.]

## Notices

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. B-68]

#### HERBERT AYERS AND WILLIAM S. YORK

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER, AND ORDER OF DISMISSAL

In the matter of Herbert Ayers and William S. York, a partnership, Code Member.

A complaint, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on September 24, 1941, by the Bituminous Coal Producers Board for District No. 8, alleging that Herbert Ayers and William S. York, a partnership trading as Ayers & York, a code member producer in District No. 8, have wilfully violated the provisions of the Bituminous Coal Code and the minimum prices established thereunder, and praying that the Division either cancel

and revoke the membership of the code member in the Bituminous Coal Code or, in its discretion, direct the code member to cease and desist from further violations made thereunder;

After appropriate notice to interested persons, a hearing in this matter having been held before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in Middlesboro, Kentucky, and all interested persons having been afforded an opportunity to be present and to participate fully in the proceeding;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter on March 23, 1942, in which it was found that Herbert Ayers and William S. York, partners trading as Ayers & York, a code member producer operating the Elmtree Mine (Mine Index No. 3561), located near Murtea, Bell County, Kentucky, sold on or about May 30, 1941, 178.5 tons of 3/8" x 0 slack coal to Golie Shoffner and H. L. Matlock, of Middlesboro, Kentucky, at a price of approximately \$0.39 per ton f. o. b. the mine, whereas the effective minimum price for this coal was \$1.50 per net ton f. o. b. the mine; that the vendees hauled the coal by truck from the mine; that the coal was hauled to a rail siding where it was loaded into railroad cars and shipped by rail to its destination; and that at the time this coal was sold, the code member's coal was not priced for rail shipment; and that the code member's violation was in the sale of unpriced coal<sup>2</sup> and not in the sale of coal at \$0.39 per ton for which the effective minimum price was \$1.50 per ton f. o. b. the mine; the Examiner then having concluded that the violation which the code member committed was not the violation charged and having recommended that this proceeding be dismissed;

An opportunity having been afforded to all parties to this proceeding to file exceptions to the Report of the Examiner and briefs in support thereof, and no such exceptions or supporting briefs having been filed;

The undersigned having determined after a consideration of the record that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned; and

<sup>1</sup>The Order of the Director in General Docket No. 19 having provided that: "No Code member \* \* \* shall sell bituminous coal produced by such Code member for which minimum prices, temporary or final, have not been established by the Division; \* \* \*"

It is further ordered, That the complaint against Herbert Ayers and William S. York, a partnership trading as Ayers & York, be, and it hereby is dismissed, without prejudice.

Dated June 10, 1942.

[SEAL]

DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-5504; Filed, June 12, 1942;  
11:14 a. m.]

[Docket No. A-1272]

#### DISTRICT BOARD 6—RIVERCOAL, INC.

#### ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 6 for the establishment of price classifications and minimum prices for the coals of Rivercoal Mine, Mine Index No. 29, of Rivercoal, Inc., in District No. 6, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

By Order of February 28, 1942, 7 F.R. 1653, in the above-entitled matter, price classifications and minimum prices for the coals of Rivercoal Mine (Mine Index No. 29) of Rivercoal, Inc., for rail shipments on Pennsylvania Railroad at Wegee, Ohio, having been temporarily established, pending final disposition of the above-entitled matter; and

Petitioner having filed a motion that such temporary relief be modified to change such shipping point to Baltimore & Ohio Railroad at Moundsville, West Virginia; and

It appearing that a reasonable showing has been made of the necessity for modifying the temporary relief heretofore granted; and

It appearing that this action is necessary in order to effectuate the purposes of the Act:

It is therefore ordered, That, pending final disposition of the above-entitled matter, the temporary relief heretofore granted in the Order of February 28, 1942, is amended as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the Rivercoal Mine (Mine Index No. 29), of Rivercoal, Inc., shall be applicable for rail shipments on the Baltimore & Ohio Railroad at Moundsville, West Virginia, and shall no longer be applicable for such shipments on Pennsylvania Railroad from Wegee, Ohio. The adjustments required or permitted mines in Freight Origin Group No. 20 shall be applicable to such shipments on Baltimore & Ohio Railroad from Moundsville, West Virginia.

It is further ordered, That in all other respects the said Order of February 28, 1942, shall remain in full force and effect, unless otherwise ordered.

Notice is hereby given that applications to stay, modify or terminate the temporary relief granted in this Order may be filed in accordance with the Rules and Regulations Governing Practice and

<sup>2</sup>7 F.R. 4345.



Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act.

Dated: June 11, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-5505; Filed, June 12, 1942;  
11:14 a. m.]

#### BURGESS & CLINE, ET AL.

##### ORDER REVOKING CERTAIN REGISTRATIONS

In the matter of the revocation of registrations as distributors of Burgess & Cline, Burns Bros., Dunfee-Keyser Coal Company, Industrial Coal & Iron Company, R. O. Lewis, William M. Merrill, (American & Dominion Fuel Company), Joseph P. Michl, (Joseph P. Michl Coal Company), Pittsburgh Coal Company, Ltd., Risdon Coal Company, The St. John Coal Co., Inc., and Woodruff Coal Company (Francis Bauer & Larry Wiskirchen).

The registered distributors, whose names are set forth in Exhibit A, attached hereto and made a part hereof, having requested revocation of registration, having discontinued or disposed of their distribution business, having been reorganized under a new name, having been otherwise succeeded in their business or for other reasons being no longer engaged in business, the registrations previously granted to them should be revoked and their names withdrawn from the list of Registered Distributors.

Accordingly, it is so ordered.

Dated: June 11, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

##### EXHIBIT A

##### Registration Number, Name and Address

|      |  |
|------|--|
| 1252 | Burgess & Cline, 108 W. Washington St., Monticello, Ill.                             |
| 1283 | Burns Bros., 11 W. 42d St., New York, N. Y.  |
| 2556 | Dunfee-Keyser Coal Co., 620 Lake St., Jackson, Mich.                                 |
| 4686 | Industrial Coal & Iron Co., 1606 First National Bank Bldg., Pittsburgh, Pa.          |
| 5555 | R. O. Lewis, Wheeling Bank & Trust Bldg., Wheeling, W. Va.                           |
| 6376 | William M. Merrill (American & Dominion Fuel Co.), P. O. Box 161, Birmingham, Mich.  |
| 6428 | Joseph P. Michl (Joseph P. Michl Coal Co.), 749 E. William St., Decatur, Ill.        |
| 7350 | Pittsburgh Coal Co., Ltd., 1006 Canadian Pacific Bldg., Toronto, Ontario, Canada.    |
| 7732 | Risdon Coal Co., 5250 14th St., Detroit, Mich.                                       |
| 7972 | The St. John Coal Co., Inc., 875 Spencer St., Toledo, Ohio.                          |
| 9864 | Woodruff Coal Co. (Francis Bauer & Larry Wiskirchen), 624 Kentucky St., Quincy, Ill. |

[F. R. Doc. 42-5506; Filed, June 12, 1942;  
11:14 a. m.]

[Docket Nos. B-189, B-190]

WHEELING VALLEY COAL CORP. AND COVE HILL COAL CO.

##### ORDER POSTPONING HEARINGS

In the matter of Wheeling Valley Coal Corporation, Code Member, and in the

matter of Cove Hill Coal Company, a corporation, Code Member.

The above-entitled matters having been heretofore scheduled for hearings on June 15, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division, at Courtroom No. 4, New Federal Building, Pittsburgh, Pennsylvania; and

The Acting Director deeming it advisable that the hearings in the above-entitled matters should be postponed;

Now, therefore, it is ordered, That the hearings in the above-entitled matters be, and the same hereby are, postponed from June 15, 1942, at 10 a. m., to June 18, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division, at Courtroom No. 4, New Federal Building, Pittsburgh, Pennsylvania, before the officers previously designated to preside at said hearings.

Dated: June 11, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-5507; Filed, June 12, 1942;  
11:15 a. m.]

[Docket No. B-51]

#### EASTERN COAL & COKE COMPANY

##### ORDER SUSPENDING REGISTRATION

This proceeding having been instituted by the Bituminous Coal Division pursuant to the Bituminous Coal Act of 1937 and § 304.14 of the Rules and Regulations for the Registration of Distributors, to investigate and determine whether Eastern Coal & Coke Company, a registered distributor, Registration No. 2615, Philadelphia, Pennsylvania, the respondent, has violated the Act, the Rules and Regulations for the Registration of Distributors, the Marketing Rules and Regulations, and the Agreement by Registered Distributor;

Pursuant to a Notice of and Order for Hearing dated October 11, 1941, and successive orders postponing the hearing and redesignating the trial examiner, a hearing in this matter having been held on December 16, 1941, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Altoona, Pennsylvania, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which the respondent appeared;

The preparation and filing of a report by the Examiner having been waived by the parties and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an opinion which are filed herewith;<sup>1</sup>

Now, therefore, it is ordered, That the registration of respondent, Eastern Coal & Coke Company, a registered distributor (Registration No. 2615), be and it hereby is suspended for a period of thirty (30) days, beginning fifteen (15) days after the date of this Order: *Provided, how-*

<sup>1</sup> Not filed with the Division of the Federal Register.

ever, That as a condition to reinstatement, in accordance with § 304.15 of the Distributors' Rules, respondent submit at least five (5) days prior to the expiration of the suspension period, an affidavit verifying that during the period of his suspension said respondent has neither directly nor indirectly transacted business as a registered distributor, nor received nor been promised any discount which distributors are entitled to receive by virtue of registration. It is also ordered that if the respondent shall not have complied with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors at least five (5) days prior to the expiration of said suspension period, the suspension shall continue in full force and effect until five (5) days after the affidavit required by § 304.15 shall have been filed with the Division.

Dated: June 10, 1942.

[SEAL] DAN H. WHEELER,  
Acting Director.

[F. R. Doc. 42-5508; Filed, June 12, 1942;  
11:15 a. m.]

#### DEPARTMENT OF AGRICULTURE.

##### Farm Security Administration.

##### ALCORN COUNTY, MISSISSIPPI

##### DESIGNATION OF LOCALITIES IN WHICH LOANS MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follows:

##### REGION VI—MISSISSIPPI

##### ALCORN COUNTY

|  |         |
|--|---------|
| Locality I, Consisting of beat 1----   | \$2,380 |
| Locality II, Consisting of beat 2----  | 1,255   |
| Locality III, Consisting of beat 3---- | 1,423   |
| Locality IV, Consisting of beat 4----  | 1,909   |
| Locality V, Consisting of beat 5----   | 1,023   |

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved, June 8, 1942.

[SEAL] C. B. BALDWIN,  
Administrator.

[F. R. Doc. 42-5514; Filed, June 12, 1942;  
11:28 a. m.]

#### Rural Electrification Administration.

[Administrative Order 708]

##### ALLOCATION OF FUNDS FOR LOANS

MAY 28, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the



sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation:               | Amount   |
|------------------------------------|----------|
| Florida 2-1026C1 Hardee.....       | \$45,000 |
| Georgia 2-1058E1 Butts.....        | 6,000    |
| Kansas 2015E1 Dickinson.....       | 111,000  |
| Kansas 2034A2 Barton.....          | 16,000   |
| North Carolina 2-1032B2 Person.... | 10,000   |
| North Carolina 2-1053A2 Burke....  | 16,000   |
| Texas 2-1048C2 Hidalgo.....        | 15,000   |
| Virginia 2034B2 Lee.....           | 26,000   |
| West Virginia 2010D2 Harrison....  | 30,000   |

[SEAL] HARRY SLATTERY,  
Administrator.

[F. R. Doc. 42-5512; Filed, June 12, 1942;  
11:28 a. m.]

[Administrative Order 709]

#### ALLOCATION OF FUNDS FOR LOANS

MAY 28, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation:                      | Amount   |
|---|----------|
| Alaska 2002A3 Matanuska.....              | \$26,000 |
| Georgia 2-1078C1 Habersham.....           | 3,700    |
| Indiana 2-1083A2 Dubois.....              | 40,000   |
| Kentucky 2-1038C2 Fulton.....             | 14,000   |
| Mississippi 2045D2 Clarke-Lauderdale..... | 40,000   |
| Oklahoma 2028A2 Pawnee.....               | 15,000   |
| Oregon 2-1022A2 Clackamas*.....           | 20,000   |
| Texas 2-1102B2 Jackson.....               | 10,000   |

[SEAL] HARRY SLATTERY,  
Administrator.

[F. R. Doc. 42-5511; Filed, June 12, 1942;  
11:28 a. m.]

#### FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6328]

#### METHODS FOR SEPARATING TELEPHONE PROPERTY, REVENUES AND EXPENSES

##### ORDER FOR INVESTIGATION

At a general session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of June 1942;

It appearing that much of the same property and personnel of common carriers of telephone communications are used in both the furnishing of interstate and foreign services, and the furnishing of intrastate services, and it being necessary and appropriate for the purpose of administering the Communications Act of 1934, as amended, that the Commission classify the property of common carriers engaged in telephone communication, and determine what property of such carriers shall be considered as used in interstate and foreign services, and what revenues and expenses shall be associated with such services, as distinguished from the property, revenues and expenses related to intrastate services.

It further appearing that the Commission has under consideration a report of a joint staff committee of the Commission and of the National Association of Railroad and Utilities Commissioners on "Procedures for Separating Telephone Property, Revenues and Expenses";

It further appearing that the Commission also has under consideration a report dated August 22, 1941, prepared by a member of its staff, entitled "Distribution of Common Costs of Communication"; in which report there are set forth certain principles and methods which significantly affect the methods to be followed in the determination of what property shall be considered as used in interstate and foreign services, and what revenues and expenses shall be associated with such services;

It further appearing that there are two bases which may be used in determining and prescribing telephone rates and charges, namely, the so-called "board-to-board" and "station-to-station" bases, which may be described respectively as follows:

The "board-to-board" basis means that telephone toll rates and charges are stated to cover all the services, facilities and operations required in the transmission and reception of telephone toll communications between one telephone station and another telephone station, except the facilities required to establish a connection between the telephone stations and the toll side of the local exchange switchboards.

The "station-to-station" basis means that telephone toll rates and charges are stated to cover all the services, facilities and operations required in the transmission and reception of telephone toll communications between one telephone station and another telephone station.

It further appearing that since the basis used for the stating of telephone rates and charges will significantly affect the methods used for the determination of what property of carriers engaged in wire telephone communication shall be considered as used in interstate and foreign services, and of what revenues and expenses shall be associated with such services, it is desirable that determination be made as to whether rates, charges, classifications and regulations for and in connection with interstate and foreign communications should be determined and prescribed on the "station-to-station" or "board-to-board" basis, as above described, or on some other basis;

It is ordered, That an investigation be, and the same is hereby, instituted into the matter of methods to be followed by the Commission in the determination of what property of carriers engaged in wire telephone communication shall be considered as used in interstate and foreign services and what revenues and expenses shall be associated with such services;

It is further ordered, That an investigation be, and the same is hereby, instituted into the matter of whether rates, charges, classifications and regulations for and in connection with interstate and foreign telephone toll communications should be determined and prescribed by the Commission on the "station-to-sta-

tion" or "board-to-board" basis, as above described, or on some other basis;

It is further ordered, That a copy of this order, of said joint staff committee report on "Procedures for Separating Telephone Property, Revenues and Expenses," and of said report, dated August 22, 1941, entitled "Distribution of Common Costs of Communication", shall be served upon the Governors of the States of Delaware, Iowa and Texas; the commission, board or official of each of the other states and of the District of Columbia which has regulatory jurisdiction with respect to intrastate operations of telephone carriers; the National Association of Railroad and Utilities Commissioners; and upon all of the telephone carriers subject to all of the provisions of Title II of the Communications Act of 1934, as amended.

It is further ordered, That each of such telephone carriers and all of their connecting carriers, be, and they are hereby, made respondent to this order; and that each such respondent shall show cause under oath:

1. Whether the Commission should determine and prescribe rates, charges, classifications and regulations for and in connection with interstate and foreign telephone toll communications on the "station-to-station" or "board-to-board" basis, as above described, or on some other basis.

2. Whether the principles and methods set forth in the said joint staff committee report on "Procedures for Separating Telephone Property, Revenues and Expenses" should be adopted by the Commission for the purpose of determining what property of carriers engaged in wire telephone communication shall be considered as used in interstate and foreign services, and what revenues and expenses shall be associated with such services.

3. Whether the principles and methods set forth in said staff member report of August 22, 1941, entitled "Distribution of Common Costs of Communication", should be adopted by the Commission in the determination of what property of carriers engaged in wire telephone communication shall be considered as used in interstate and foreign services, and what revenues and expenses shall be associated with such services.

It is further ordered, That any governmental authority and any association or group acting for or on behalf of users of telephone service, or of carriers engaged in the furnishing of such service, be, and they are hereby, given leave to intervene and to participate fully in any proceedings under this order;

It is further ordered, That on or before the 20th day of July, 1942, each respondent shall file with the Commission its verified answer to the foregoing order to show cause; and that a hearing shall be held on the above matter at Chicago, Illinois, beginning at 10:00 a. m., on the 19th day of August, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-5522; Filed, June 12, 1942;  
11:42 a. m.]



[Docket No. 6313]

C. T. SHERER COMPANY, INC. (WMAW)

## NOTICE OF HEARING

In re application dated January 28, 1942, for modification of Construction Permit; class of service, broadcast; class of station, broadcast; location, Worcester, Mass.; operating assignment specified: Frequency, 1200 kc.; power, 250 w.; hours of operation unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the cost of completing the construction authorized in construction permit No. B1-P-2963, as modified, and the financial outlay, if any, incurred in connection therewith by the applicant, prior to April 27, 1942.

2. To determine when the construction heretofore authorized in construction permit No. B1-P-2963, was actually commenced.

3. To determine what materials and equipment the applicant has on hand available for the construction authorized in construction permit No. B1-P-2963 and the additional materials and equipment, if any, necessary for the completion thereof.

4. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its Memorandum Opinion of April 27, 1942.

5. To determine whether in view of the foregoing, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

C. T. Sherer Company, Inc., Radio Station WMAW, % Frank F. Butler, President, 438 Main Street, Worcester, Mass.

Dated at Washington, D. C., June 10, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 42-5517; Filed, June 12, 1942; 11:43 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

DISTILLATION PRODUCTS, INC.

## MAXIMUM PRICE FOR FATTY ACIDS

Order 2 Under Revised Price Schedule 53<sup>1</sup>—Fats and Oils.

Distillation Products, Inc., Rochester, New York, has filed an application for the determination of its maximum price on fatty acids pursuant to § 1351.151 (b) (7) of Revised Price Schedule No. 53. Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with § 1351.151 (b) (7) of Revised Price Schedule No. 53, issued by the Office of Price Administration: *It is hereby ordered:*

(a) The maximum selling price of the Distillation Products, Inc., Rochester, New York on fatty acids (light in color; no moisture; negligible odor; range from C8-C18 with the C18 fraction predominant to the extent of 51% of the total; iodine No. 57; saponification equivalent 182; titre 29 deg. C.; fatty acid content 80-85%; unsaponifiable 10-15%; melting range 37.0-38.5 deg. C.) in 70 to 90 drum lots shall be 10.54 cents per pound, f. o. b. Rochester, New York.

(b) The customary quantity differentials of Distillation Products, Inc., prevailing during the year 1941, shall apply.

(c) The customary differentials of Distillation Products, Inc., for type of container shall apply.

(d) The maximum selling price hereinafter fixed shall be subject to adjustment at any time by the Office of Price Administration.

(e) This Order No. 2 and determination shall become effective June 12, 1942. (Pub. Law 421, 77th Cong.)

Issued this 11th day of June 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-5484; Filed, June 11, 1942; 4:54 p. m.]

## GRAYSLAKE GELATIN COMPANY

## MAXIMUM PRICES FOR PIGSKIN GREASE

Order 3 Under Revised Price Schedule 53<sup>1</sup>—Fats and Oils.

The Grayslake Gelatin Company, Grayslake, Illinois has filed an application for the determination of its maximum prices on Pigskin Grease No. 1 and Pigskin Grease No. 2 pursuant to § 1351.151 (b) (7) of Revised Price Schedule No. 53. Due consideration has been given to the application, and an opinion in support of this order has been issued

simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with § 1351.151 (b) (7) of Revised Price Schedule No. 53, issued by the Office of Price Administration: *It is hereby ordered:*

(a) The maximum selling price of Grayslake Gelatin Company, Grayslake, Illinois on Pigskin Grease No. 1 shall be 11.37 cents per pound, f. o. b. Grayslake, Illinois, in tank cars.

(b) The maximum selling price of Grayslake Gelatin Company, Grayslake, Illinois on Pigskin Grease No. 2 shall be 9.99 cents per pound, f. o. b. Grayslake, Illinois, in tank cars.

(c) The maximum selling prices hereinafter fixed shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 3 and determination shall become effective June 12, 1942. (Pub. Law 421, 77th Cong.)

Issued this 11th day of June 1942.

LEON HENDERSON,  
Administrator.

[F. R. Doc. 42-5485; Filed, June 11, 1942; 4:55 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-1554]

NEW YORK STOCK EXCHANGE—RUTLAND RAILROAD CO.

## ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of June, A. D. 1942.

In the Matter of the application of the New York Stock Exchange to strike from listing and registration the 7% cumulative preferred stock, \$100 par value, of Rutland Railroad Company.

An application having been filed pursuant to section 12 (d) of the Securities Exchange Act of 1934 by the New York Stock Exchange to strike from listing and registration the 7% cumulative preferred stock of the Rutland Railroad Company;

A hearing having been held on said application, the trial examiner having filed his advisory report, the Commission having considered the record and having this day filed its findings and opinion herein;

*It is ordered,* That the said application be, and the same hereby is, granted, effective at the close of business on June 22, 1942.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 42-5490; Filed, June 12, 1942; 10:21 a. m.]



[File No. 812-247]

## GUARDIAN INVESTORS CORPORATION

## NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Philadelphia, Pennsylvania, on the 11th day of June, A. D. 1942.

An application having been filed by the Guardian Investors Corporation under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order exempting it from the provisions of said Act during the period that applicant is subject to the jurisdiction of the United States District Court, Southern District of New

York, in proceedings for its reorganization pursuant to and under the National Bankruptcy Act.

*It is ordered*, That a hearing on the matter of this application be held on June 24, 1942 at ten o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk, in Room 318, will advise interested parties where such hearing will be held.

*It is further ordered*, That Robert P. Reeder, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer

so designated at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 42-5491; Filed, June 12, 1942;  
10:21 a. m.]



